

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 300**

**Introduced by Assembly Member Goldberg Committee on  
Education**

**(Coauthors: Assembly Members Goldberg (Chair), Plescia  
(Vice-Chair), Cohn, Hancock, Liu, Mullin, Pavley, Plescia,  
Reyes, and Wyland)**

February 6, 2003

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An act to amend Sections ~~8242, 35534, and 35738~~ of 5019, 8206, 8206.1, 8206.6, 8242, 8263, 8805, 11021, 35160.5, 35256, 35534, 35555, 35566, 35710, 35722, 35738, 35753, 35756, 35765, 39831.5, 41344, 41402, 41403, 41975, 42238, 42239.15, 44505, 45037, 46201, 46202, 48209.16, 48916, 48918, 48980, 52055.600, 52055.640, 56001, 56028, 56032, 56043, 56170, 56320, 56341.5, 56343.5, 56345.1, 56361, 56366, 56390, 56391, 56500.3, 56504.5, 56505, 56506, 56605, 56836.01, 56836.155, 56863, 58562, 60040, 60119, 60601 of, to amend and renumber Section 56365.2 of, to add Sections 35517 and 35710.1 to, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 11023, 17912.1, 32211, 35735.3, 41404, 41406, 41407, 45357, 45358, 48209.17, 51882, 56364, 56364, 62002, 62007, and 62008 of, the Education Code, to amend Sections 19050.8, 54901, and 54902 of, and to repeal Section 54903.1 of, the Government Code, and to amend Section 45 of Chapter 1167 of the Statutes of 2002, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Goldberg. Education.

Existing

(1) Existing law authorizes the Department of Education, upon request, to waive its regulations for staffing and group size ratios for programs in which subsidized children comprise a majority of the enrollment.

This bill would instead authorize the Superintendent of Public Instruction, upon request, to waive the requirements for staffing and group size ratios without regard to program enrollment.

~~This~~

(2) Existing law requires families to meet certain requirements to be eligible for subsidized child development services. One of the alternative eligibility requirements is that the parents are incapacitated, including having a medical or psychiatric special need that cannot be met without the provision of child day care.

This bill would delete that requirement and replace it with a requirement that the child is identified as having a medical or psychiatric special need that cannot be met without the provision of child day care.

(3) Existing law establishes the Healthy Start Support Services for Children Grant Program, requires participating local educational agencies and consortia to submit annually an evaluation report to the Superintendent of Public Instruction, requires the Superintendent of Public Instruction to cause an evaluation to be conducted by an independent organization of the effectiveness of the grant program, requires that independent evaluation to be submitted by June 1, 1994, to the Governor, the Secretary for Education, the Secretary of the Health and Welfare Agency, and the Legislature, and authorizes independent evaluations to be conducted subject to additional funding being made available for that purpose in subsequent fiscal years.

This bill would delete the provisions regarding the required independent evaluation and subsequent contingently authorized independent evaluations.

(4) Existing law establishes the Academic Improvement and Achievement Act which authorizes local educational agencies to submit proposals to the Superintendent of Public Instruction to fund activities that will increase the percentage of pupils at qualifying high schools who meet the requirements for admission to the California State University and the University of California. Existing law provides that funding is contingent on an appropriation in the annual Budget Act and conditions renewal of funding on data regarding progress and improvement regarding various college readiness indicators. Existing



*law requires the superintendent to recommend, and the State Board of Education to approve, a plan for the comprehensive evaluation of the program by July 1, 2003, and would require the State Board of Education to report to the Legislature regarding the program by December 31, 2003.*

*This bill would delete the conditions for renewal of funding and the requirement regarding the comprehensive evaluation of the program.*

*(5) Existing law, the Classroom Instructional Improvement and Accountability Act, an initiative measure, requires the governing board of a school district to compare the content of the school district's school accountability report card to the model school accountability report card adopted by the State Board of Education. The initiative measure provides that it may be amended by the Legislature, only to further its purposes, by a bill that is passed with a  $\frac{2}{3}$  vote of both houses of the Legislature and signed by the Governor.*

*This bill would delete the requirement that a school district compare its report card with the state model, and would declare that this change further the purposes of the initiative.*

*(6) Existing law provides for the formation and reorganization of school districts and defines various terms for this purpose.*

*This bill would define "uninhabited territory."*

*(7) Existing law requires that exchanges of property tax revenues between school districts that are a result of the reorganization of school districts be determined pursuant to a specified provision of the Revenue and Taxation Code.*

*This bill would limit this provision to cases in which at least one of the school districts is a basic aid school district.*

*(8) Existing law authorizes a county committee on school district organization to approve certain petitions to transfer territory from one school district to another and, if approved, to notify the county superintendent of schools who is required to call an election as prescribed by law. Existing law authorizes a county committee on school district organization to establish a common governing board for a high school district and an elementary school district within the boundaries of the high school district.*

*This bill would allow the election to be conducted by mail and would prohibit an election from being called if the territory to be transferred is uninhabited territory. The bill would authorize a county committee on school district organization to abolish a common governing board*



for a high school district and an elementary district within the boundaries of the high school district.

(9) Existing law requires a county committee on school district organization to formulate plans and recommendations for the organization of the districts in the county. Existing law authorizes the State Board of Education to approve the plans and recommendations for the reorganization of school districts and requires the county superintendent of schools, after receipt of notification of the board's approval of plans and recommendations, to call an election.

*This bill would allow the election to be conducted by mail.*

(10) Existing law requires the Superintendent of Public Instruction and Director of Finance to jointly establish a plan for repayment of school funds that a local educational agency received on the basis of average daily attendance that did not comply with statutory or regulatory requirements that were conditions of apportionments.

*This bill would, commencing with the 1999–2000 fiscal year, prohibit the manner of reducing the amount disallowed for repayment purposes from resulting in a local educational agency repaying more than the value of the average daily attendance disallowed, plus interest and other penalties or reductions in apportionments as provided by existing law.*

(11) Existing law sets forth the maximum allowable ratio of administrative employees to teachers in the various types of school districts and requires the Superintendent of Public Instruction to determine the ratio of administrative employees to teachers in each school district. Existing law requires the Superintendent of Public Instruction to determine the reduction in state support resulting from excessive administrative employees. Existing law subjects school districts to annual audits regarding the ratio of administrative employees to teachers.

*This bill would instead require a school district to determine that ratio and would set forth the manner of determining whether a school district is in compliance with the maximum allowable ratio. The bill would delete the provisions requiring the Superintendent of Public Instruction to determine the reduction in state support resulting from excessive administrative employees and subjecting school districts to annual audits regarding the ratio of administrative employees to teachers and would make conforming changes.*

(12) Existing law prohibits apportionments and allowances to a school district from Section A of the State School Fund in a fiscal year



*to be less than \$120 per unit of average daily attendance or \$2,400, whichever is lesser.*

*This bill would instead prohibit those apportionments and allowances from being less than \$120 per unit of average daily attendance or \$2,400, whichever is greater.*

*(13) Existing law makes a school district and a charter school eligible for reimbursement for hours of pupil attendance claimed for intensive algebra instruction academies in an amount as specified.*

*This bill would, commencing with the 2002–03 fiscal year, require the Superintendent of Public Instruction to allocate a minimum of \$7,406, adjusted for inflation, for this program in each school district that had a prior fiscal year enrollment of less than 333 pupils and that offered at least 1,500 hours of supplemental summer school instruction, with a school district that had a prior fiscal year enrollment of less than 333 pupils and that offered less than 1,500 hours of supplemental summer school instruction receiving a proportionately reduced allocation.*

*(14) Existing law requires a county office of education to be assessed a penalty if it draws an order for a warrant in favor of a person for a period of service during which the person did not have a valid certification document.*

*This bill would instead require the assessment of that penalty if the county office of education releases a warrant in the circumstances described above.*

*(15) Existing law requires the Superintendent of Public Instruction to reduce a districts apportionment, as specified if the governing board of a school district offers less instructional time than the amount of instructional time fixed for the 1982–83 fiscal year.*

*This bill would, instead, make the reduction apply only to school districts that do not participate in the program that offers incentives for a longer instructional day and year.*

*(16) Existing law authorizes the governing board of a school district to accept interdistrict transfers under a policy that ensures that pupils are selected for admission through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based on the pupil's academic or athletic performance. This authorization is inoperative on July 1, 2003, and is repealed on January 1, 2004.*

*This bill would, instead, make the authorization inoperative on July 1, 2008, and repeal it on January 1, 2009.*

(17) Existing law requires the governing board of a school district to set a date when a pupil who is expelled for certain acts is required to be reviewed for readmission. Existing law requires the date set to be not later than the last day of the semester following the semester in which the expulsion occurred.

This bill would, for an expulsion ordered during summer session or the intercession period of a year-round program, require the review date to be set not later than the last day of the semester following the summer session or intercession period during which the expulsion was ordered.

(18) Existing law establishes the High Priority Schools Grant Program for Low Performing Schools and requires the Superintendent of Public Instruction to allocate, from funds made available for purposes of the program, \$400 per pupil to eligible schools for implementation of a school action plan.

This bill would require the allocation to an eligible school to be not less than \$50,000 and would allow a school that received funding in the 2002–03 fiscal year to carry over funds until the 2003–04 fiscal year.

(19) Existing law requires a statement of the transition service needs of a pupil to be included in the pupil's individualized education program beginning at age 14.

This bill would also require this statement beginning at an age younger than 14 if determined by the individualized education program team pursuant to federal regulations.

(20) Existing law requires a school district, special education local plan area, or county office of education to conduct meetings to develop, review, and revise the individualized education program of an individual with exceptional needs. Existing law authorizes a school district, special education local plan area, or county office of education to inform parents or guardians of the right to bring to these meetings other people who have knowledge or special expertise regarding the individual with exceptional needs.

This bill would require a school district, special education local plan area, or county office of education to inform parents and guardians of the right described above, thereby imposing a state-mandated local program.

(21) Existing law requires a school district, special education local plan area, or county office of education to hold a meeting of an individualized education program team within 30 days, not counting days in July and August, when a parent requests a meeting to review an individualized education program.





*This bill would instead not count the days between the pupil's regular school sessions, terms, or days of school vacation in excess of 5 schooldays, thereby imposing a state-mandated local program.*

*(22) Existing law authorizes school districts, special education local plan areas, and county offices of education to enter into master contracts regarding the provision of special education and related services with nonpublic, nonsectarian schools and agencies and authorizes a party to the proposed contract to appeal to the county superintendent of schools or the Superintendent of Public Instruction, as applicable, if after 60 days the master contract or related individual services agreements are not finalized. Existing law requires the county superintendent of school of the Superintendent of Public Instruction, or his or her designee, to mediate the formulation of a contract within 30 days of the appeal and provides that the mediation is binding on both parties.*

*This bill would instead require the county superintendent of school or the Superintendent of Public Instruction, or his or her designee, to render a decision on the appeal which would be the final administrative decision on the matter within those 30 days.*

*(23) Existing law authorizes the award of a certificate or document of educational achievement or completion to an individual with exceptional needs who meets certain requirements and makes the recipient of this certificate or document eligible to participate in any graduation ceremony or school activity related to graduation in which a pupil of similar age without disabilities would be eligible to participate.*

*This bill would impose a state-mandated local program by requiring the award of this certificate or document and requiring a school district to permit the recipient to participate in the graduation ceremony and related school activities.*

*(24) Existing law authorizes certification of educational clinics that, among other things, recruit or receive referral of high school dropouts, provide instruction in basic academic skills, provide employment orientation or reentry orientation, operate on a clinical client-centered basis, and conduct courses of instruction. This authorization is inoperative on July 1, 2003, and is repealed on January 1, 2004.*

*This bill would make the authorization inoperative on July 1, 2007, and repeal it on January 1, 2008.*

*(25) Existing law establishes the Pupil Textbook and Instructional Materials Incentive Program and requires the governing board to hold*

*a public hearing on prescribed matters in order to be eligible to receive program funds. Existing law requires the governing board to provide 10 days' notice of the public hearing, requires the notice to contain the time, place and purpose of the hearing, and requires the notice to be posted in 3 public places in the school district.*

*This bill would instead require the governing board to provide notice of the hearing in a manner in which it customarily provides similar notices and information to the public.*

*(26) Existing law, the Standardized Testing and Reporting Program, requires that each school district, charter school, and county office of education administer to each of its pupils in grades 2 to 11, inclusive, a designated achievement test and a standards-based achievement test. Existing law repeals this program on January 1, 2005.*

*This bill would impose a state-mandated local program by extending the program until January 1, 2009.*

*(27) Existing law requires a school district to file a statement regarding boundary changes with certain state and local officials.*

*This bill would require the statement to include the estimated public school pupil population for changes of organization or reorganizations that include the annexation to or detachment from a school district.*

*(28) Existing law appropriates \$313,908,000 from the General Fund for purposes of the School Improvement Program, with \$54,181,000 for purposes of making allowances for grades 7 to 12, inclusive. From the \$54,181,000, the State Department of Education is required to allocate \$34.72 per unit of average daily attendance (ADA) generated by pupils enrolled in grades 7 and 8 to school districts that received School Improvement Grants in the 1989–90 fiscal year at a rate of \$30 per unit of ADA generated by pupils enrolled in grades 7 and 8.*

*This bill would change the \$34.72 rate per unit of ADA to \$34.67 and would allocate \$123.18 per unit of ADA generated by pupils enrolled in grades 7 and 8 to school districts that received School Improvement Grants in the 1989–90 fiscal year at a rate of \$106.93 per unit of ADA generated by pupils enrolled in grades 7 and 8.*

*(29) This bill would require the average daily attendance for the second principal apportionment of the 2001–02 fiscal year for the Oxnard Union High School district to be calculated as 89.10% of the October 2001 CBEDS enrollment of 14,922, as approved by the Department of Finance.*



(30) *This bill would make other technical and nonsubstantive changes to the Education Code, repeal obsolete and duplicative provisions, and make changes in provisions governing child care and special education to conform to federal regulations.*

(31) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that no reimbursement is required by specified provisions of this act for a specified reason.*

*However, the bill would also provide that, if the Commission on State Mandates determines that the bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: ~~majority~~ <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 5019 of the Education Code is amended*  
2 *to read:*

3 5019. (a) Except in a school district governed by a board of  
4 education provided for in the charter of a city or city and county,  
5 in any school district or community college district the county  
6 committee on school district organization ~~shall have the power to~~  
7 *may* establish trustee areas, rearrange the boundaries of trustee  
8 areas, abolish trustee areas, and increase to seven or decrease to  
9 five the number of members of the governing board, or ~~to~~ adopt  
10 one of the alternative methods of electing governing board  
11 members specified in Section 5030.

12 (b) The county committee on school district organization ~~shall~~  
13 *may also have the power to* establish *or abolish* a common  
14 governing board for a high school district and an elementary  
15 school district within the boundaries of the high school district.  
16 The resolution of the county committee approving the  
17 establishment *or abolishment* of a common governing board shall

1 be presented to the electors of the school districts as specified in  
2 Section 5020.

3 (c) A proposal to make the changes described in subdivision (a)  
4 or (b) may be initiated by the county committee or made to the  
5 county committee either by a petition signed by 5 percent or 50,  
6 whichever is less, of the qualified registered voters residing in a  
7 district in which there are 2,500 or fewer qualified registered  
8 voters, or by a petition signed by 2 percent, or 250, whichever is  
9 less, of the qualified registered voters residing in a district in which  
10 there are 2,501 or more qualified registered voters or by resolution  
11 of the governing board of the district. For this purpose, the number  
12 of qualified registered voters in the district shall be determined  
13 pursuant to the most recent report submitted by the county  
14 elections official to the Secretary of State under Section 610 or  
15 6460 of the Elections Code.

16 When the proposal is made, the county committee shall call and  
17 conduct at least one hearing in the district on the matter. At the  
18 conclusion of the hearing, the county committee shall approve or  
19 disapprove the proposal.

20 (d) If the county committee approves pursuant to subdivision  
21 (a) the rearrangement of the boundaries of trustee areas for a  
22 particular district, then the rearrangement of the trustee areas shall  
23 be effectuated for the next district election occurring at least 120  
24 days after its approval, unless at least 5 percent of the registered  
25 voters of the district sign a petition requesting an election on the  
26 proposed rearrangement of trustee area boundaries. The petition  
27 for an election shall be submitted to the elections official within 60  
28 days of the proposal's adoption by the county committee. If the  
29 qualified registered voters approve pursuant to subdivision (b) *or*  
30 (c) the rearrangement of the boundaries to the trustee areas for a  
31 particular district, then the rearrangement of the trustee areas shall  
32 be effectuated for the next district election occurring at least 120  
33 days after its approval by the voters.

34 *SEC. 2. Section 8206 of the Education Code is amended to*  
35 *read:*

36 8206. (a) The State Department of Education is hereby  
37 designated as the single state agency responsible for the  
38 promotion, development, and provision of care of children in the  
39 absence of their parents during the workday or while engaged in  
40 other activities which require assistance of a third party or parties.



The department shall administer the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) Fund.

(b) For purposes of this section, "Child Care and Development Fund" has the same meaning as in Section 98.2 of Title 45 of the Code of Federal Regulations.

SEC. 3. Section 8206.1 of the Education Code is amended to read:

8206.1. (a) The Superintendent of Public Instruction shall collaborate with the Secretary of Child Development and for Education and the Secretary of Health and Welfare Human Services, with the advice and assistance of the Child Development Programs Advisory Committee, in the development of the state plan required pursuant to Section 652E(a)(2) of the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) Fund, prior to submitting or reporting on that plan to the federal Secretary of Health and Human Services.

(b) (1) For purposes of this section, "Child Care and Development Fund" has the same meaning as in Section 98.2 of Title 45 of the Code of Federal Regulations.

(2) For the purposes of this section, "collaboration" "collaborate" means to cooperate with and to consult with.

SEC. 4. Section 8206.3 of the Education Code is repealed.

8206.3. The department shall coordinate the state plan required by the federal Child Care and Development Block Grant Act of 1990 with the state's Master Plan for Child Care and Development.

SEC. 5. Section 8206.5 of the Education Code is repealed.

8206.5. To the extent feasible, the State Department of Education shall award local contracts for direct services pursuant to the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), to applicant agencies meeting locally determined priorities for program expansion.

SEC. 6. Section 8206.6 of the Education Code is amended to read:

8206.6. It is the intent of the Legislature that federal funds received pursuant to the federal Child Care and Development

~~Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), Fund shall be allocated according to federal regulations. For purposes of this section, “Child Care and Development Fund” has the same meaning as in Section 98.2 of Title 45 of the Code of Federal Regulations.~~

*SEC. 7. Section 8206.7 of the Education Code is repealed.*

~~8206.7. In each contract entered into pursuant to Section 8203.5 by the State Department of Education and a contracting agency, not less than 10 percent of the children supported by funds made available pursuant to the federal Child Care and Development Block Grant of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), shall be children with exceptional needs as defined in subdivision (l) of Section 8208. The Superintendent of Public Instruction may waive this requirement if the contractor demonstrates that the demand for this level of service does not exist. Children with exceptional needs shall receive priority for enrollment within the priorities established by the child care and development local planning council.~~

*SEC. 8. Section 8206.8 of the Education Code is repealed.*

~~8206.8. In order to assist contracting agencies in meeting the requirements of Section 8206.7, the State Department of Education shall, from funds made available to it pursuant to the federal Child Care and Development Block Grant of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), make funds available for staff development for those contracting agencies, including activities designed to improve services to children with exceptional needs.~~

*SEC. 9. Section 8207 of the Education Code is repealed.*

~~8207. The Superintendent of Public Instruction may, pursuant to Section 204 of the Intergovernmental Cooperation Act of 1968, request waivers of single state agency requirements as necessary to utilize available federal funds for the purposes of this chapter, except for the purposes of the At Risk Child Care Program set forth in Article 15.5 (commencing with Section 8350). Until a waiver is granted by the federal government, the single state agency authorized by federal law to provide any child care service provided for in this chapter shall have only the functions, duties, and responsibilities conferred by this chapter upon the State~~

~~Department of Education and the Superintendent of Public Instruction with respect to the child development services as are required by federal law and regulation. In that event, the single state agency shall provide child care and development services under a purchase of service agreement with the Superintendent of Public Instruction from funds appropriated for the services. The Superintendent of Public Instruction shall provide the necessary documents required by the federal government pursuant to this section to support the state's claim for federal reimbursement and shall certify that the school district, or other organization providing the care, has available the accounting records and other supporting documents to justify the claim for reimbursement and that the records are available for audit by the Controller and by any authorized federal agency.~~

*SEC. 10.* Section 8242 of the Education Code is amended to read:

8242. If there are no facilities in the area able to meet the special needs of particular children, the Superintendent of Public Instruction may, upon request, waive the requirements for staffing and group size ratios established pursuant to Section 8288.

~~SEC. 2.—~~

*SEC. 11.* Section 8263 of the Education Code is amended to read:

8263. (a) The Superintendent of Public Instruction shall adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement this chapter. In order to be eligible for federal and state subsidized child development services, families shall meet at least one requirement in each of the following areas:

(1) A family is (A) a current aid recipient, (B) income eligible, (C) homeless, or (D) one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

(2) A family needs the child care service (A) because the child is identified by a legal, medical, social service agency, or emergency shelter as ~~(A)~~ (i) a recipient of protective services, ~~or~~ ~~(B)~~ (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (iii) *having a medical or psychiatric special need that cannot be met without provision of child day care*

1 or (B) because the parents are ~~(A)~~ (i) engaged in vocational  
2 training leading directly to a recognized trade, paraprofession, or  
3 profession, ~~(B)~~ (ii) employed or seeking employment, ~~(C)~~ (iii)  
4 seeking permanent housing for family stability, or ~~(D)~~ (iv)  
5 incapacitated, ~~including a medical or psychiatric special need that~~  
6 ~~cannot be met without provision of child day care.~~

7 (b) Except as provided in Article 15.5 (commencing with  
8 Section 8350), priority for state and federally subsidized child  
9 development services is as follows:

10 (1) First priority shall be given to neglected or abused children  
11 who are recipients of child protective services, or recipients who  
12 are at risk of being neglected or abused, upon written referral from  
13 a legal, medical, or social service agency. ~~When~~ If an agency is  
14 unable to enroll a child in the first priority category, the agency  
15 shall refer the family to local resource and referral services to  
16 locate services for the child.

17 (2) Second priority shall be equally given to eligible families,  
18 regardless of the number of parents in the home, who are income  
19 eligible. Within this priority, families with the lowest gross  
20 monthly income in relation to family size, as determined by a  
21 schedule adopted by the superintendent, shall be admitted first.  
22 When two or more families are in the same priority in relation to  
23 income, the family that has been on the waiting list for the longest  
24 ~~amount of~~ time shall be admitted first. For purposes of determining  
25 order of admission, the grants of public assistance recipients shall  
26 be counted as income.

27 (3) The superintendent shall set criteria for and may grant  
28 specific waivers of the priorities established in this subdivision for  
29 agencies that wish to serve specific populations, including  
30 children with exceptional needs or children of prisoners. These  
31 new waivers ~~shall~~ may shall not include proposals to avoid  
32 appropriate fee schedules or admit ineligible families, but may  
33 include proposals to accept members of special populations in  
34 other than strict income order, as long as appropriate fees are paid.

35 (c) Notwithstanding any other law, in order to promote  
36 continuity of services, a family enrolled in a state or federally  
37 funded child care and development program whose services would  
38 otherwise be terminated because the family no longer meets the  
39 program income, eligibility, or need criteria may continue to  
40 receive child development services in another state or federally



1 funded child care and development program if the contractor is  
2 able to transfer the family's enrollment to another program for  
3 which the family is eligible prior to the date of termination of  
4 services or to exchange the family's existing enrollment with the  
5 enrollment of a family in another program, provided that both  
6 families satisfy the eligibility requirements for the program in  
7 which they are being enrolled. The transfer of enrollment may be  
8 to another program within the same administrative agency or to  
9 another agency that administers state or federally funded child care  
10 and development programs within that county.

11 (d) A physical examination and evaluation, including  
12 age-appropriate immunization, shall be required prior to, or within  
13 six weeks of, enrollment. No standard, rule, or regulation shall  
14 require medical examination or immunization for admission to a  
15 child care and development program of a child whose parent or  
16 guardian files a letter with the governing board of the child care  
17 and development program stating that the medical examination or  
18 immunization is contrary to his or her religious beliefs, or provide  
19 for the exclusion of a child from the program because of a parent  
20 or guardian having filed the letter. However, whenever there is  
21 good cause to believe that a child is suffering from a recognized  
22 contagious or infectious disease, the child shall be temporarily  
23 excluded from the program until the governing board of the child  
24 care and development program is satisfied that any contagious or  
25 infectious disease does not exist.

26 (e) Regulations formulated and promulgated pursuant to this  
27 section shall include the recommendations of the State  
28 Department of Health Services relative to health care screening  
29 and the provision of health care services. The superintendent shall  
30 seek the advice and assistance of these health authorities in  
31 situations where service under this chapter includes or requires  
32 care of ill children or children with exceptional needs.

33 (f) The superintendent shall establish a fee schedule for  
34 families utilizing child care and development services pursuant to  
35 this chapter. The income of a recipient of federal supplemental  
36 security income benefits pursuant to Title XVI of the Federal  
37 Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state  
38 supplemental program benefits pursuant to Title XVI of the  
39 Federal Social Security Act and Chapter 3 (commencing with  
40 Section 12000) of Part 3 of Division 9 of the Welfare and

1 Institutions Code ~~shall~~ *may* not be included as income for the  
2 purposes of determining the amount of the family fee. The fee  
3 schedule shall include, but not be limited to, the following  
4 restrictions:

5 (1) No fees shall be assessed for families whose children are  
6 enrolled in the state preschool program.

7 (2) A contractor or provider may require parents to provide  
8 diapers. A contractor or provider offering field trips either may  
9 include the cost of the field trips within the service rate charged to  
10 the parent or may charge parents an additional fee. ~~No federal~~  
11 ~~Federal~~ or state money ~~shall~~ *may not* be used to reimburse parents  
12 for the costs of field trips if those costs are charged as an additional  
13 fee. A contractor or provider that charges parents an additional fee  
14 for field trips shall inform parents, prior to enrolling the child, that  
15 a fee may be charged and that no reimbursement will be available.  
16 A contractor or provider may charge parents for field trips or  
17 require parents to provide diapers only under the following  
18 circumstances:

19 (A) The provider has a written policy that is adopted by the  
20 agency's governing board that includes parents in the  
21 decisionmaking process regarding both of the following:

22 (i) Whether or not, and how much, to charge for field trip  
23 expenses.

24 (ii) Whether or not to require parents to provide diapers.

25 (B) The maximum total of charges per child in a contract year  
26 does not exceed twenty-five dollars (\$25).

27 (C) No child is denied participation in a field trip due to the  
28 parent's inability or refusal to pay the charge. ~~No adverse~~ *Adverse*  
29 ~~action shall~~ *may not* be taken against any parent for that inability  
30 or refusal.

31 Each contractor or provider shall establish a payment system  
32 that prevents the identification of children based on whether or not  
33 their parents have paid a field trip charge.

34 Expenses incurred and income received for field trips pursuant  
35 to this section, shall be reported to the State Department of  
36 Education. The income received for field trips shall be reported  
37 specifically as restricted income.

38 (g) The superintendent shall establish guidelines for the  
39 collection of employer-sponsored child care benefit payments  
40 from any parent whose child receives subsidized child care and

1 development services. These guidelines shall provide for the  
2 collection of the full amount of the benefit payment, but not to  
3 exceed the actual cost of child care and development services  
4 provided, notwithstanding the applicable fee based on the fee  
5 schedule.

6 (h) The superintendent shall establish guidelines according to  
7 which the director or a duly authorized representative of the child  
8 care and development program will certify children as eligible for  
9 state reimbursement pursuant to this section.

10 (i) ~~No public~~ *Public* funds ~~shall~~ *may not* be paid directly or  
11 indirectly to any agency that does not pay at least the minimum  
12 wage to each of its employees.

13 *SEC. 12. Section 8805 of the Education Code is amended to*  
14 *read:*

15 8805. The Legislature finds that an evaluation of plan  
16 effectiveness is both desirable and necessary, and accordingly  
17 requires the following:

18 (a) No later than January 1 of the year following a full year of  
19 operation, each local educational agency or consortium that  
20 receives an operational grant under this chapter shall submit a  
21 report to the superintendent that includes:

22 (1) An assessment of the effectiveness of that local educational  
23 agency or consortium in achieving stated goals in the planning  
24 and/or operational phase.

25 (2) Problems encountered in the design and operation of the  
26 Healthy Start Support Services for Children Grant Program plan,  
27 including identification of any federal, state, or local statute or  
28 regulation that will impede program implementation.

29 (3) Recommendations for ways to improve delivery of support  
30 services to pupils.

31 (4) The number of pupils who will receive support services  
32 who previously have not been served.

33 (5) The potential impact of the program on the local  
34 educational agency or the consortium, including any anticipated  
35 increase in school retention and achievement rates of pupils who  
36 receive support services.

37 (6) An accounting of anticipated local budget savings, if any,  
38 resulting from the implementation of the program.

39 (7) Client and practitioner satisfaction.

(8) The ability, or anticipated ability, to continue to provide services in the absence of future funding under this chapter, by allocating resources in ways that are different from existing methods.

(9) Increased access to services for pupils and their families.

(10) The degree of increased collaboration among participating agencies and private partners.

(11) If the local educational agency or consortium received certification as a Medi-Cal provider, the extent to which the certification improved access to needed services.

(b) Additional annual evaluations may be required as designated by the superintendent.

~~(c) The superintendent shall cause an evaluation to be conducted by an independent organization of the effectiveness of grants awarded under this chapter in assisting local educational agencies and consortia in planning and implementing Healthy Start Support Services for Children programs. No later than June 1, 1994, the superintendent shall submit to the Governor, the secretary, the agency secretary, and the Legislature the results of that evaluation and a summary of the reports submitted under subdivision (a).~~

~~(1) The evaluation shall focus on education, health, and social outcome measures as appropriate. These shall include, but not be limited to, attendance, academic performance, dropout rates, pupil grades, postsecondary education or training, immunizations, birth weights, diagnostic screening, self-esteem, out-of-home placement rates, child protective services referrals, family functioning, and school staff and administration participation.~~

~~(2) Additional independent evaluations may be conducted subject to additional funding being made available for purposes of this chapter in subsequent fiscal years.~~

*SEC. 13. Section 11021 of the Education Code is amended to read:*

11021. (a) Pursuant to the criteria approved by the State Board of Education, the Superintendent of Public Instruction shall develop an application inviting local educational agencies to apply to receive funds for qualifying schools, subject to an appropriation of funds for purposes of this section.

(b) Funds shall be distributed and dispersed equitably throughout the state in a manner consistent with the purposes of

1 this chapter and that ensures that qualifying schools located in  
2 rural, urban, and suburban areas have access to these  
3 programmatic funds.

4 (c) Priority in the allocation of funding to qualifying schools  
5 shall be based upon a combination of the following factors that  
6 shall be given equal consideration:

7 (1) The qualifying school's relative low ranking in comparison  
8 to the statewide average percentage of high school graduates who  
9 complete the A-F or college preparatory course requirements for  
10 admission to the California State University and the University of  
11 California with a "C" grade or better.

12 (2) The qualifying school's relative low ranking in comparison  
13 to the statewide average percentage of high school pupils who take  
14 the nationally-normed, standardized tests used for college  
15 admission decisions.

16 (3) The qualifying school's relative low ranking in comparison  
17 to other schools maintaining the same grades in any of grades 9 to  
18 12, inclusive, of the schoolwide average scores on  
19 nationally-normed, standardized tests used for college admission  
20 decisions.

21 (4) The qualifying school's relative low ranking in comparison  
22 to other schools in its college participation rate.

23 (d) Funds allocated to qualifying schools pursuant to this  
24 chapter shall be awarded annually by the Superintendent of Public  
25 Instruction for a period of up to four years ~~only if funding is~~  
26 ~~appropriated in the annual Budget Act if both of the following~~  
27 ~~conditions are met:~~

28 ~~(1) After the second full funded year, and each year thereafter,~~  
29 ~~the grant may be renewed on an annual basis for up to two~~  
30 ~~additional years if the local educational agency submits data to the~~  
31 ~~State Department of Education that demonstrates the necessary~~  
32 ~~qualifying levels of improvement at the qualifying school in~~  
33 ~~comparison to the year immediately preceding the year in which~~  
34 ~~funds were provided to the school pursuant to this chapter, in~~  
35 ~~accordance with subdivision (a) of Section 11020.~~

36 ~~(2) The Superintendent of Public Instruction determines that~~  
37 ~~the data submitted on behalf of qualifying schools demonstrates~~  
38 ~~progress in each of the areas identified in subdivision (a) of Section~~  
39 ~~11020, as determined by relative improvement levels approved by~~  
40 ~~the State Board of Education.~~

(e) Funds allocated pursuant to this section may not exceed one hundred dollars (\$100) per pupil at a qualifying school in any single fiscal year. A qualifying school with less than 200 pupils may request funding of up to twenty thousand dollars (\$20,000).

(f) Funds appropriated pursuant to this chapter may supplement, but may not supplant, any existing program or service provided at a qualifying school that is consistent with this chapter.

(g) No more than 5 percent of the amount that is appropriated to a local educational agency for expenditure at a qualifying school pursuant to this chapter shall be used for administrative costs.

(h) Grant recipients shall ensure that parents or guardians of all 8th grade pupils are notified of the course requirements that are a prerequisite for admission to the California State University and the University of California.

*SEC. 14. Section 11023 of the Education Code is repealed.*

~~11023. The Superintendent of Public Instruction, shall recommend, and the State Board of Education shall approve, a plan for the comprehensive evaluation of the program authorized in this chapter. The Superintendent of Public Instruction shall complete the evaluation and submit it to the State Board of Education by July 1, 2004. The State Board of Education shall submit the final evaluation and report to the Legislature by December 31, 2004, on all of the following:~~

~~(a) Changes in the number and percent of pupils who took nationally-normed, standardized tests used for college admission decisions.~~

~~(b) Changes in the school-wide average score on nationally-normed, standardized tests used for college admission decisions.~~

~~(c) Changes in the number and percentage of pupils who complete the A-F or college preparatory course requirements with at least a "C" grade.~~

~~(d) Changes in the number and percentage of pupils who complete advanced placement courses and received a score of "3" or above.~~

~~(e) Changes in the number of advanced placement courses taken by pupils.~~

~~(f) Changes in the number and percentage of parents or guardians of 8th grade pupils who were notified of the course~~



1 requirements that are a prerequisite for admission to the California  
2 State University or the University of California.

3 (g) The college participation rates at qualifying schools before  
4 and after the implementation of program activities pursuant to this  
5 chapter.

6 (h) Recommendations for changes to this chapter that could  
7 further increase the percentage of high school pupils eligible for  
8 admission to the California State University or the University of  
9 California upon graduation from high school.

10 *SEC. 15. Section 17912.1 of the Education Code is repealed.*

11 ~~17912.1. The commission shall transmit a report to the~~  
12 ~~Governor and to the Legislature on the demonstration program~~  
13 ~~required by this chapter on or before June 30, 1989.~~

14 *SEC. 16. Section 32211 of the Education Code is repealed.*

15 ~~32211. (a) Any person who is not a student of the public~~  
16 ~~school, a parent or guardian of a student of the public school, or~~  
17 ~~an officer or employee of the school district maintaining the public~~  
18 ~~school, or who is not required by his or her employment to be in~~  
19 ~~a public school building or on the grounds of the public school, and~~  
20 ~~who has entered any public school building or the grounds of any~~  
21 ~~public school, during school hours, and who is requested either by~~  
22 ~~the principal of the public school or by the designee of the principal~~  
23 ~~to leave a public school building or public school grounds, shall~~  
24 ~~promptly depart therefrom and shall not return thereto for at least~~  
25 ~~48 hours. A request that a person depart from a public school~~  
26 ~~building or public school grounds shall be made by the principal,~~  
27 ~~or the designee of the principal, exclusively on the basis that it~~  
28 ~~appears reasonable to the principal, or the designee of the principal~~  
29 ~~to conclude that the continued presence of the person requested to~~  
30 ~~depart would be disruptive of, or would interfere with, classes or~~  
31 ~~other activities of the public school program.~~

32 ~~(b) Any person who fails to leave a public school building or~~  
33 ~~public school grounds promptly upon request of the principal of~~  
34 ~~the public school or the designee of the principal made pursuant~~  
35 ~~to subdivision (a) or who, after leaving a public school building or~~  
36 ~~public school grounds pursuant to a request of the principal of the~~  
37 ~~public school, or the designee of the principal, made pursuant to~~  
38 ~~subdivision (a), returns thereto, except pursuant to subdivision (d),~~  
39 ~~within 48 hours, is guilty of a misdemeanor and shall be punished~~  
40 ~~pursuant to Section 626. 8 of the Penal Code.~~

~~(c) Any person who is requested pursuant to subdivision (a) to leave a public school building or school grounds may appeal to the superintendent of the school district in which the public school is located. Such an appeal shall be made not later than the second succeeding schoolday after the person has departed from the public school building or public school grounds. The superintendent shall, after reviewing the matter with the principal, or the designee of the principal, and the person seeking ingress to the public school during school hours, render his or her decision within 24 hours after the appeal is made, and such decision shall be binding upon both parties. A decision of the superintendent may be appealed by the person seeking ingress to the public school during public school hours to the governing board of the school district in which the public school is located. Such an appeal shall be made not later than the second succeeding schoolday after the superintendent has rendered his or her decision. The governing board of the school district shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting, and the decision of the governing board shall be final.~~

~~(d) Where the office of the superintendent of the school district or the office of the governing board of the school district is situated in the public school building or on the grounds of the public school from which a person has been requested, pursuant to subdivision (a), to depart, the person may enter the public school building or the grounds of the public school solely for the purpose of, and only to the extent necessary for, personally making at the office of the superintendent or the office of the governing board an appeal pursuant to subdivision (c).~~

~~(e) The governing board of every school district shall cause to have posted at every entrance to each school and grounds of the district a notice which shall set forth "school hours," which are hereby defined for the purposes of this section as the period commencing one hour before classes begin and one hour after classes end at any school, or as otherwise defined by the governing board of the school district.~~

~~(f) For the purposes of subdivision (a), a representative of a school employee organization engaged in activities related to representation, as defined by Section 7104, shall be deemed to be a person required by his or her employment to be in a school building or on the grounds of a school.~~

~~(g) Nothing in this section shall be construed as preempting any ordinance of any city, county, or city and county.~~

*SEC. 17. Section 35160.5 of the Education Code is amended to read:*

35160.5. (a) The governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, shall, as a condition for the receipt of an inflation adjustment pursuant to Section 42238.1, establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive. The criteria, which shall be applied to extracurricular and cocurricular activities, shall ensure that pupil participation is conditioned upon satisfactory educational progress in the previous grading period. ~~Pupils who are eligible for differential standards of proficiency pursuant to subdivision (d) of Section 51215 are covered by this section consistent with that subdivision. No person shall classify a pupil as eligible for differential standards of proficiency pursuant to subdivision (d) of Section 51215 for the purpose of circumventing the intent of this subdivision.~~

(1) For purposes of this subdivision, “extracurricular activity” means a program that has all of the following characteristics:

(A) The program is supervised or financed by the school district.

(B) Pupils participating in the program represent the school district.

(C) Pupils exercise some degree of freedom in either the selection, planning, or control of the program.

(D) The program includes both preparation for performance and performance before an audience or spectators.

(2) For purposes of this subdivision, an “extracurricular activity” is not part of the regular school curriculum, is not graded, does not offer credit, and does not take place during classroom time.

(3) For purposes of this subdivision, a “cocurricular activity” is defined as a program that may be associated with the curriculum in a regular classroom.

(4) Any teacher graded or required program or activity for a course that satisfies the entrance requirements for admission to the California State University or the University of California is not

1 an extracurricular or cocurricular activity as defined by this  
2 section.

3 (5) For purposes of this subdivision, “satisfactory educational  
4 progress” shall include, but not be limited to, the following:

5 (A) Maintenance of minimum passing grades, which is defined  
6 as at least a 2.0 grade point average in all enrolled courses on a 4.0  
7 scale.

8 (B) Maintenance of minimum progress toward meeting the  
9 high school graduation requirements prescribed by the governing  
10 board.

11 (6) For purposes of this subdivision, “previous grading  
12 period” does not include any grading period in which the pupil  
13 was not in attendance for all, or a majority of, the grading period  
14 due to absences excused by the school for reasons such as serious  
15 illness or injury, approved travel, or work. In that event, “previous  
16 grading period” is deemed to mean the grading period  
17 immediately prior to the grading period or periods excluded  
18 pursuant to this paragraph.

19 (7) A program that has, as its primary goal, the improvement  
20 of academic or educational achievements of pupils is not an  
21 extracurricular or cocurricular activity as defined by this section.

22 (8) The governing board of each school district may adopt, as  
23 part of its policy established pursuant to this subdivision,  
24 provisions that would allow a pupil who does not achieve  
25 satisfactory educational progress, as defined in paragraph (4), in  
26 the previous grading period to remain eligible to participate in  
27 extracurricular and cocurricular activities during a probationary  
28 period. The probationary period shall not exceed one semester in  
29 length, but may be for a shorter period of time, as determined by  
30 the governing board of the school district. A pupil who does not  
31 achieve satisfactory educational progress, as defined in paragraph  
32 (4), during the probationary period shall not be allowed to  
33 participate in extracurricular and cocurricular activities in the  
34 subsequent grading period.

35 (9) Nothing in this subdivision shall preclude the governing  
36 board of a school district from imposing a more stringent academic  
37 standard than that imposed by this subdivision. If the governing  
38 board of a school district imposes a more stringent academic  
39 standard, the governing board shall establish the criteria for

1 participation in extracurricular and cocurricular activities at a  
2 meeting open to the public pursuant to Section 35145.

3 The governing board of each school district shall annually  
4 review the school district policies adopted pursuant to the  
5 requirements of this section.

6 (b) (1) On or before July 1, 1994, the governing board of each  
7 school district shall, as a condition for the receipt of school  
8 apportionments from the state school fund, adopt rules and  
9 regulations establishing a policy of open enrollment within the  
10 district for residents of the district. This requirement does not  
11 apply to any school district that has only one school or any school  
12 district with schools that do not serve any of the same grade levels.

13 (2) The policy shall include all of the following elements:

14 (A) It shall provide that the parent or guardian of each  
15 schoolage child who is a resident in the district may select the  
16 schools the child shall attend, irrespective of the particular  
17 locations of his or her residence within the district, except that  
18 school districts shall retain the authority to maintain appropriate  
19 racial and ethnic balances among their respective schools at the  
20 school districts' discretion or as specified in applicable  
21 court-ordered or voluntary desegregation plans.

22 (B) It shall include a selection policy for any school that  
23 receives requests for admission in excess of the capacity of the  
24 school that ensures that selection of pupils to enroll in the school  
25 is made through a random, unbiased process that prohibits an  
26 evaluation of whether any pupil should be enrolled based upon his  
27 or her academic or athletic performance. For purposes of this  
28 subdivision, the governing board of the school district shall  
29 determine the capacity of the schools in its district. However,  
30 school districts may employ existing entrance criteria for  
31 specialized schools or programs if the criteria are uniformly  
32 applied to all applicants. This subdivision shall not be construed  
33 to prohibit school districts from using academic performance to  
34 determine eligibility for, or placement in, programs for gifted and  
35 talented pupils established pursuant to Chapter 8 (commencing  
36 with Section 52200) of Part 28.

37 (C) It shall provide that no pupil who currently resides in the  
38 attendance area of a school shall be displaced by pupils  
39 transferring from outside the attendance area.

(3) Notwithstanding the requirement of subparagraph (B) of paragraph (2) that the policy include a selection policy for any school that receives requests for admission in excess of the capacity of the school that ensures that the selection is made through a random, unbiased process, the policy may include any of the following elements:

(A) It may provide that special circumstances exist that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including, but not limited to, threats of bodily harm or threats to the emotional stability of the pupil, that serve as a basis for granting a priority of attendance outside the current attendance area of the pupil. A finding of harmful or dangerous special circumstances shall be based upon either of the following:

(i) A written statement from a representative of the appropriate state or local agency, including, but not limited to, a law enforcement official or a social worker, or properly licensed or registered professionals, including, but not limited to, psychiatrists, psychologists, or marriage and family therapists.

(ii) A court order, including a temporary restraining order and injunction, issued by a judge.

A finding of harmful or dangerous special circumstances pursuant to this subparagraph may be used by a school district to approve transfers within the district to schools that have been deemed by the school district to be at capacity and otherwise closed to transfers that are not based on harmful or dangerous special circumstances.

(B) It may provide that any pupil attending a school prior to July 1, 1994, may be considered a current resident of that school for purposes of this section until the pupil is promoted or graduates from that school.

(C) It may provide that no pupil who was on a waiting list for a school or specialized program, on or before July 1, 1994, pursuant to a then-existing district policy on transfers within the district, shall be displaced by pupils transferring after July 1, 1994, from outside the attendance area, as long as the continued maintenance on a waiting list remains consistent with the former policy.

(D) It may provide that schools receiving requests for admission shall give priority for attendance to siblings of pupils



1 already in attendance in that school and to pupils whose parent or  
2 legal guardian is assigned to that school as his or her primary place  
3 of employment.

4 (E) It may include a process by which the school district  
5 informs parents or guardians that certain schools or grade levels  
6 within a school are currently, or are likely to be, at capacity and,  
7 therefore, those schools or grade levels are unable to accommodate  
8 any new pupils under the open enrollment policy.

9 (4) It is the intent of the Legislature that, upon the request of the  
10 pupil's parent or guardian and demonstration of financial need,  
11 each school district provide transportation assistance to the pupil  
12 to the extent that the district otherwise provides transportation  
13 assistance to pupils.

14 *SEC. 18. Section 35256 of the Education Code is amended to*  
15 *read:*

16 35256. School Accountability Report Card

17 The governing board of each school district maintaining an  
18 elementary or secondary school shall by September 30, 1989, or  
19 the beginning of the school year develop and cause to be  
20 implemented for each school in the school district a School  
21 Accountability Report Card.

22 (a) The School Accountability Report Card shall include, but  
23 is not limited to, the conditions listed in Education Code Section  
24 33126.

25 ~~(b) Not less than triennially, the governing board of each school~~  
26 ~~district shall compare the content of the school district's School~~  
27 ~~Accountability Report Card to the model School Accountability~~  
28 ~~Report Card adopted by the State Board of Education. Variances~~  
29 ~~among school districts shall be permitted where necessary to~~  
30 ~~account for local needs.~~

31 ~~(c) The Governing Board of each school district shall annually~~  
32 ~~issue a School Accountability Report Card for each school in the~~  
33 ~~school district, publicize such reports, and notify parents or~~  
34 ~~guardians of students that a copy will be provided upon request.~~

35 *SEC. 19. Section 35517 is added to the Education Code, to*  
36 *read:*

37 35517. "Uninhabited territory" means territory where fewer  
38 than 12 persons who are registered to vote for at least 54 days  
39 reside at the time of the filing of a petition or resolution for a  
40 change in school district boundaries.

1     *SEC. 20.* Section 35534 of the Education Code is amended to  
2 read:

3     35534. Except as provided in Sections 35535 and 35536 and  
4 subject to compliance with Section 54900 of the Government  
5 Code, any action to reorganize a school district shall be effective  
6 for all purposes on July 1 of the calendar year following the  
7 calendar year in which the action is completed.

8     ~~SEC. 3.—~~

9     *SEC. 21.* Section 35555 of the Education Code is amended to  
10 read:

11     35555. The reorganization of any school district or districts  
12 shall not affect the classification of certificated employees already  
13 employed by any school district affected. ~~Such~~ These employees  
14 shall have the same status with respect to their classification by the  
15 district, including time served as probationary employees of the  
16 district, after the reorganization as they had prior to it. If ~~such a~~  
17 reorganization results in the school or other place in which ~~any~~  
18 ~~such an~~ employee is employed being maintained by another  
19 district, ~~any such the~~ employee, if a permanent employee of the  
20 district which formerly maintained such school or other place of  
21 employment, shall be employed as a permanent employee of the  
22 district which thereafter maintains the school or other place of  
23 employment, unless ~~such the~~ employee elects prior to February 1  
24 of the year in which the action will become effective for all  
25 purposes to continue in the employ of the first district.

26     If ~~such the~~ employee is a probationary employee of the district  
27 which formerly maintained ~~such the~~ school or other place of  
28 employment, he or she shall be employed by the district which  
29 thereafter maintains the school or other place of employment,  
30 unless ~~such the~~ probationary employee is terminated by ~~such the~~  
31 district pursuant to Section 44929.21, 44948, ~~44949~~, or 44955,  
32 and, if not so terminated, his or her status with respect to  
33 classification by ~~such the~~ district shall be the same as it would  
34 have been had the school or other place of employment continued  
35 to be maintained by the district which formerly maintained it. As  
36 used in this paragraph, “the school or other place in which ~~any~~  
37 ~~such an~~ employee is employed” and all references thereto,  
38 includes, but is not limited to, the school services or school  
39 program which, as a result of any reorganization of a school  
40 district, will be provided by another district, regardless of whether

1 any particular building or buildings in which ~~such~~ the schoolwork  
2 or school program was conducted is physically located in the new  
3 district and regardless of whether any new district resulting from  
4 ~~such~~ a reorganization elects to provide for the education of its  
5 pupils by contracting with another school district until ~~such time~~  
6 as the new district constructs its own facilities.

7 SEC. 22. Section 35566 of the Education Code is amended to  
8 read:

9 35566. Notwithstanding any provisions of this article,  
10 exchanges of property tax revenues between school districts as a  
11 result of reorganization, *in which at least one of the school districts*  
12 *is a basic aid school district*, shall be determined pursuant to  
13 subdivision ~~(h)~~ (i) of Section 99 of the Revenue and Taxation  
14 Code.

15 SEC. 23. Section 35710 of the Education Code is amended to  
16 read:

17 35710. (a) For all other petitions to transfer territory, if the  
18 county committee finds that the conditions enumerated in  
19 paragraphs (1) to (10), inclusive, of subdivision (a) of Section  
20 35753 are substantially met, the county committee may approve  
21 the petition and, if approved, shall so notify the county  
22 superintendent of schools who shall call an election in the territory  
23 of the districts as determined by the county committee ~~and in the~~  
24 ~~manner described in Part 4 (commencing with Section 5000), to~~  
25 *be conducted at the next regular election in the manner described*  
26 *in either Part 4 (commencing with Section 5000) of this code or*  
27 *Division 4 (commencing with Section 4000) of the Elections Code.*

28 (b) *This section does not apply to a petition to transfer*  
29 *uninhabited territory.*

30 SEC. 24. Section 35710.1 is added to the Education Code, to  
31 read:

32 35710.1. *Notwithstanding any other provision of law, an*  
33 *election may not be called if the election area, as determined*  
34 *pursuant to Section 35732, is uninhabited territory as defined in*  
35 *Section 35517. The only manner of approving and granting a*  
36 *petition to transfer uninhabited territory is the manner set forth in*  
37 *Section 35709.*

38 SEC. 25. Section 35722 of the Education Code is amended to  
39 read:

1 35722. Following the public hearing, or last public hearing,  
2 required by Section 35720.5 or subdivision (c) of Section 35721,  
3 the county committee may adopt a final recommendation for  
4 unification or other reorganization and shall transmit that  
5 recommendation together with the petition filed under subdivision  
6 (a) or (b) of Section 35721 *or the resolution filed under subdivision*  
7 *(c) of Section 35721*, if any, to the State Board of Education for  
8 hearing as provided in Article 4 (commencing with Section  
9 35750); or shall transmit the petition to the State Board of  
10 Education and order the reorganization granted if the requirements  
11 of Section 35709 are satisfied; or shall transmit the petition to the  
12 State Board of Education and order that an election be held if the  
13 requirements of Section 35710 are satisfied.

14 *SEC. 26. Section 35735.3 of the Education Code is repealed.*

15 ~~35735.3. The transfer of seventh and eighth grade pupils~~  
16 ~~between an elementary school district and a high school district~~  
17 ~~triggers the recomputation, pursuant to Section 35735.1, of the~~  
18 ~~base revenue limit per unit of average daily attendance of the~~  
19 ~~district receiving the 7th and 8th grade pupils, except that the~~  
20 ~~computations described in paragraphs (2) and (3) of subdivision~~  
21 ~~(a) of Section 35735.1 shall not apply to a recomputation~~  
22 ~~performed pursuant to this section.~~

23 *SEC. 27. Section 35738 of the Education Code is amended to*  
24 *read:*

25 35738. Plans and recommendations may include a method of  
26 dividing the bonded indebtedness other than the method specified  
27 in paragraphs (1) and (2) of subdivision (b) of Section 35576 for  
28 the purpose of providing greater equity in the division.  
29 Consideration may be given to assessed valuation, number of  
30 pupils, property values, and other matters which the petitioners or  
31 county committee deems pertinent.

32 *SEC. 28. Section 35753 of the Education Code is amended to*  
33 *read:*

34 35753. (a) The State Board of Education may approve  
35 proposals for the reorganization of districts, if the board has  
36 determined, with respect to the proposal and the resulting districts,  
37 that all of the following conditions are substantially met:

38 (1) The ~~new~~ *reorganized* districts will be adequate in terms of  
39 number of pupils enrolled.

(2) The districts are each organized on the basis of a substantial community identity.

(3) The proposal will result in an equitable division of property and facilities of the original district or districts.

(4) The reorganization of the districts will ~~not~~ promote or preserve racial or ethnic discrimination or segregation integration.

~~(5) The proposed reorganization will not result in any substantial increase in costs to the state~~ Any increase in costs to the state that are a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

(6) The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue to promote sound education performance in those districts.

~~(7) The proposed reorganization will not result in a significant increase in school housing costs~~ Any increase in school facilities costs that are a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

(8) The proposed reorganization is ~~not~~ primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district for purposes other than to significantly increase property values.

(9) The proposed reorganization will *continue to promote sound fiscal management* and will not cause a substantial negative effect on the ~~fiscal management~~ or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

(10) Any other criteria as the board may, by regulation, prescribe.

(b) The State Board of Education may approve a proposal for the reorganization of school districts if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

SEC. 29. *Section 35756 of the Education Code is amended to read:*

35756. The county superintendent of schools, within 35 days after receiving the notification provided by Section 35755, shall

1 call an election, in the manner prescribed in Part 4 (commencing  
2 with Section 5000) *of this code or Division 4 (commencing with*  
3 *Section 4000) of the Elections Code*, to be conducted at the next  
4 available regular election, in the territory of districts as determined  
5 by the State Board of Education.

6 *SEC. 30. Section 35765 of the Education Code is amended to*  
7 *read:*

8 35765. After the board of supervisors receives a proper  
9 certificate of election or other proper evidence that an action to  
10 organize or reorganize school districts has been approved as  
11 provided by law, the board of supervisors shall make an order to  
12 create, change, or terminate school districts as may be required by  
13 the action and establish or reestablish the boundaries of the  
14 districts affected by the action. The order shall be entered in the  
15 county's record of school districts.

16 If the action results in the creation of a district or a change of  
17 district boundaries of the type described in Section 54900 of the  
18 Government Code, the order of the board of supervisors shall  
19 include the legal description of each district created or changed in  
20 the action and, immediately after making the order, the board of  
21 supervisors shall cause a copy of the order, *the statement prepared*  
22 *pursuant to Section 54900 of the Government Code*, and a map or  
23 plat indicating the boundaries established or reestablished for each  
24 district affected by the order to be filed as required by Chapter 8  
25 (commencing with Section 54900) of Part 1 of Division 2, Title 5  
26 of the Government Code *and shall submit a copy of the statement*  
27 *prepared pursuant to Section 54900 of the Government Code and*  
28 *the map or plat to the Superintendent of Public Instruction and the*  
29 *county superintendent of schools of the county in which the district*  
30 *is located.*

31 *SEC. 31. Section 39831.5 of the Education Code is amended*  
32 *to read:*

33 39831.5. (a) All pupils in prekindergarten, kindergarten, and  
34 grades 1 to 12, inclusive, in public or private school who are  
35 transported in a schoolbus or school pupil activity bus shall receive  
36 instruction in schoolbus emergency procedures and passenger  
37 safety. The county superintendent of schools, superintendent of  
38 the school district, or owner/operator of a private school, as  
39 applicable, shall ensure that the instruction is provided as follows:



(1) Upon registration, the parents or guardians of all pupils not previously transported in a schoolbus or school pupil activity bus and who are in prekindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with written information on schoolbus safety. The information shall include, but not be limited to, all of the following:

- (A) A list of schoolbus stops near each pupil's home.
- (B) General rules of conduct at schoolbus loading zones.
- (C) Red light crossing instructions.
- (D) Schoolbus danger zone.
- (E) Walking to and from schoolbus stops.

(2) At least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, how to safely cross the street, highway, or private road, instruction on the use of passenger restraint systems, as described in paragraph (3), proper passenger conduct, bus evacuation, and location of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit. As part of the instruction, pupils shall evacuate the schoolbus through emergency exit doors.

(3) Instruction on the use of passenger restraint systems, *when a passenger restraint system is installed*, shall include, but not be limited to, all of the following:

- (A) Proper fastening and release of the passenger restraint system.
- (B) Acceptable placement of passenger restraint systems on pupils.
- (C) Times at which the passenger restraint systems should be fastened and released.
- (D) Acceptable placement of the passenger restraint systems when not in use.

(4) Prior to departure on a school activity trip, all pupils riding on a schoolbus or school pupil activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

(b) The following information shall be documented each time the instruction required by paragraph (2) of subdivision (a) is given:

(1) Name of school district, county office of education, or private school.

(2) Name and location of school.

(3) Date of instruction.

(4) Names of supervising adults.

(5) Number of pupils participating.

(6) Grade levels of pupils.

(7) Subjects covered in instruction.

(8) Amount of time taken for instruction.

(9) Bus driver's name.

(10) Bus number.

(11) Additional remarks.

The information recorded pursuant to this subdivision shall remain on file at the district or county office, or at the school, for one year from the date of the instruction, and shall be subject to inspection by the Department of the California Highway Patrol.

*SEC. 32. Section 41344 of the Education Code is amended to read:*

41344. (a) If, as the result of an audit or review, a local ~~education~~ *educational* agency is required to repay an apportionment significant audit exception, the Superintendent of Public Instruction and the Director of Finance, or their designees, shall jointly establish a plan for repayment of state school funds that the local ~~education~~ *educational* agency received on the basis of average daily attendance, or other data, that did not comply with statutory or regulatory requirements that were conditions of the apportionments. A local ~~education~~ *educational* agency must request a repayment plan within 90 days of receiving the final audit report or review, within 30 days of receiving a final determination regarding an appeal pursuant to subdivision (d), or, in the absence of an appeal pursuant to subdivision (d), within 30 days of receiving a determination of a summary review pursuant to subdivision (d) of Section 41344.1. At the time the local ~~education~~ *educational* agency is notified, the Controller shall also be notified of the repayment plan. The repayment plan shall be established in accordance with the following:

(1) The Controller shall withhold the disallowed amount at the next principal apportionment or pursuant to paragraph (2), unless subdivision (d) or subdivision (d) of Section 41344.1 applies, in which case the disallowed amount shall be withheld, at the next principal apportionment or pursuant to paragraph (2) following the determination regarding the appeal or summary appeal. In calculating the disallowed amount, the Controller shall determine the total amount of overpayment received by the local ~~education~~ *educational* agency on the basis of average daily attendance, or other data, reported by the local ~~education~~ *educational* agency that did not comply with one or more statutory or regulatory requirements that are conditions of apportionment.

(2) If the Superintendent of Public Instruction and the Director of the Department of Finance concur that repayment of the full liability in the current fiscal year would constitute a severe financial hardship for the local agency, they may approve a repayment plan of equal annual payments over a period of up to eight years. The repayment plan shall include interest on each year's outstanding balance at the rate earned on the state's short-term pooled investment fund during that year. The Superintendent of Public Instruction and the Director of the Department of Finance shall jointly establish this repayment plan. The Controller shall withhold amounts pursuant to the repayment plan.

(3) If the Superintendent of Public Instruction and the Director of the Department of Finance do not jointly establish a repayment plan, the State Controller shall withhold the entire disallowed amount determined pursuant to paragraph (1) at the next principal apportionment.

(b) (1) For purposes of computing average daily attendance pursuant to Section 42238.5, a local educational agency's prior fiscal year average daily attendance shall be reduced by an amount equal to any average daily attendance disallowed in the current year, by an audit or review, as defined in subdivision (e).

(2) *Commencing with the 1999–2000 fiscal year, this subdivision may not result in a local educational agency repaying more than the value of the average daily attendance disallowed in the audit exception plus interest and other penalties or reductions in apportionments as provided by existing law.*

(c) Notwithstanding any other provision of law, this section may not be waived under any authority set forth in this code except as provided in this section or Section 41344.1.

(d) Within 60 days of the date on which a local ~~education~~ *educational* agency receives a final audit report resulting from an audit or review or within 30 days of receiving a determination of a summary review pursuant to subdivision (d) Section 41344.1, a local *educational* agency may appeal a finding contained in the final report, pursuant to Section 41344.1. Within 90 days of the date on which the appeal is received by the panel, a hearing shall be held at which the local *educational* agency may present evidence or arguments if the local ~~education~~ *educational* agency believes that the final report contains any finding that was based on errors of fact or interpretation of law. A repayment schedule may not commence until the panel reaches a determination regarding the appeal. If the panel determines that the local *educational* agency is correct in its assertion, in whole or in part, the allowable portion of any apportionment payment that was withheld shall be paid at the next principal apportionment.

(e) As used in this section, “audit or review” means an audit conducted by the Controller’s office, an annual audit conducted by a certified public accountant or a public accountant firm pursuant to Section 41020, and an audit or review conducted by a governmental agency that provided the local education agency with an opportunity to provide a written response.

*SEC. 33. Section 41402 of the Education Code is amended to read:*

41402. For the purposes of this article, ~~and subject to the provisions of Section 41402.1,~~ the maximum ratios of administrative employees to each 100 teachers in the various types of school districts shall be as follows:

(a) In elementary school districts—9.

(b) In unified school districts—8.

(c) In high school districts—7.

This section ~~shall~~ *does* not apply to ~~any~~ a school district which has only ~~one school and~~ one administrator.

*SEC. 34. Section 41403 of the Education Code is amended to read:*

~~41403. The Superintendent of Public Instruction~~ (a) For purposes of determining compliance with Section 41402, a school

*district* shall determine, for each current fiscal year, ~~for each school district in the state,~~ to two decimal points, the following:

~~(a)~~

(1) The total number of administrative employees, except those serving in positions that are supported by categorical grants from any source and are in programs that require specific teacher/administrator ratios, or that are supported by federal funds. As to those serving in positions that are not supported completely by these categorical grants from any source or completely by federal funds, the number of employees reported shall include the full-time equivalent of all fractional time attributable to that time not supported by categorical grants or federal funds.

~~(b)~~

(2) The total number of teachers except those serving in positions that are supported by federal funds or by categorical grants from any source and are in programs that require specific teacher/administrator ratios. As to those serving in positions that are not supported completely by these categorical grants from any source or completely by federal funds, the number of employees reported shall include the full-time equivalent of all fractional time attributable to that time not supported by categorical grants or federal funds. Substitute teachers may be counted as teachers only if the employee for whom they are substituting is not counted. In no event shall the number of full-time equivalent teachers reported be greater than the number of full-time equivalent teaching positions in the district.

~~(c)~~

(3) The total maximum number of administrative employees that should be employed by the district based upon the application of the appropriate ratio prescribed by Section 41402 to the number of teachers determined pursuant to ~~subdivision (b)~~ paragraph (2).

~~(d) The number of administrative employees in excess of the number allowable without penalty as determined by subtracting the number determined pursuant to subdivision (c) from the number determined pursuant to subdivision (a).~~

(4) *The difference between the number of administrative employees should be employed by the district pursuant to paragraph (3) and the total number of administrative employees pursuant to paragraph (1).*

1 (b) A district is in compliance with Section 41402 if the  
2 difference determined pursuant to paragraph (4) of subdivision (a)  
3 is negative, or less than a positive 0.50.

4 The

5 (c) The number of employees reported pursuant to subdivisions  
6 (a), (b), (c), and (d) paragraphs (1), (2), (3), and (4) of subdivision  
7 (a) shall include the full-time equivalent of all fractional time of  
8 those employees.

9 For

10 (d) For purposes of determining the allowable ratio of  
11 administrative employees to teachers for compliance in the San  
12 Diego City School District, the number of employees and the  
13 full-time equivalent of all of the fractional time of employees  
14 serving the district in positions mandated as the result of the  
15 district's court-ordered integration plan is excluded from the  
16 numbers identified pursuant to subdivisions (a), (b), (c), and (d)  
17 subdivision (a).

18 No

19 An individual may not be counted as more than one full-time  
20 equivalent employee unless the individual is employed on a  
21 part-time basis in adult education, driver education, or vocational  
22 education, or any part-time or additional teaching assignment, in  
23 addition to his or her regular full-time assignment.

24 SEC. 35. Section 41404 of the Education Code is repealed.

25 41404. The Superintendent of Public Instruction shall  
26 determine the reduction in state support resulting from excess  
27 administrative employees identified in subdivision (d) of Section  
28 41403 as follows:

29 (a) Compute the ratio which total state support to the district  
30 general fund bears to the total general fund income of the district.

31 (b) Multiply the ratio determined pursuant to subdivision (a) by  
32 the average salary of administrative employees.

33 (c) Multiply the product of subdivision (b) by the number of  
34 administrative employees converted to the nearest whole number  
35 in excess of the maximum number specified in Section 41402.

36 The amount of the second principal apportionment made to the  
37 district for the current fiscal year pursuant to Section 41335 shall  
38 be reduced by the product so produced. However, no reduction  
39 shall reduce the final apportionment below the amount specified  
40 in Section 6 of Article IX of the California Constitution.



1     *SEC. 36. Section 41406 of the Education Code is repealed.*

2     ~~41406. Amounts allowable from the State School Fund but~~  
3 ~~not transferred thereto because of the operation of Section 41404~~  
4 ~~and the provisions of subdivision (b) of Section 14002, shall be~~  
5 ~~held in the General Fund and shall be expended for public school~~  
6 ~~purposes pursuant to appropriations thereof enacted by the~~  
7 ~~Legislature.~~

8     *SEC. 37. Section 41407 of the Education Code is repealed.*

9     ~~41407. Notwithstanding any other provision of law, a school~~  
10 ~~district is subject, with regard to Section 41402, to audits~~  
11 ~~conducted pursuant to Section 41020.~~

12     *SEC. 38. Section 41975 of the Education Code is amended to*  
13 *read:*

14     41975. ~~In no event shall the apportionments~~ *Apportionments*  
15 and allowances to a school district from Section A of the State  
16 School Fund in a fiscal year *may not* be less than the product of one  
17 hundred twenty dollars (\$120) multiplied by the average daily  
18 attendance of the district in the preceding fiscal year, or two  
19 thousand four hundred dollars (\$2,400), whichever is ~~the lesser~~  
20 *greater.*

21     *SEC. 39. Section 42238 of the Education Code is amended to*  
22 *read:*

23     42238. (a) For the 1984–85 fiscal year and each fiscal year  
24 thereafter, the county superintendent of schools shall determine a  
25 revenue limit for each school district in the county pursuant to this  
26 section.

27     (b) The base revenue limit for the current fiscal year shall be  
28 determined by adding to the base revenue limit for the prior fiscal  
29 year the following amounts:

30         (1) The inflation adjustment specified in Section 42238.1.

31         (2) For the 1995–96 fiscal year, the equalization adjustment  
32 specified in Section 42238.4.

33         (3) For the 1996–97 fiscal year, the equalization adjustments  
34 specified in Sections 42238.41, 42238.42, and 42238.43.

35         (4) For the 1985–86 fiscal year, the amount received per unit  
36 of average daily attendance in the 1984–85 fiscal year pursuant to  
37 Section 42238.7.

38         (5) For the 1985–86, 1986–87, and 1987–88 fiscal years, the  
39 amount per unit of average daily attendance received in the prior  
40 fiscal year pursuant to Section 42238.8.

(6) For the 2003–04 fiscal year, the equalization adjustments specified in Sections 42238.44 and 42238.46.

(c) Except for districts subject to subdivision (d), the base revenue limit computed pursuant to subdivision (b) shall be multiplied by the district average daily attendance computed pursuant to Section 42238.5.

(d) (1) For districts for which the number of units of average daily attendance determined pursuant to Section 42238.5 is greater for the current fiscal year than for the 1982–83 fiscal year, compute the following amount, in lieu of the amount computed pursuant to subdivision (c):

(A) Multiply the base revenue limit computed pursuant to subdivision (c) by the average daily attendance computed pursuant to Section 42238.5 for the 1982–83 fiscal year.

(B) Multiply the lesser of the amount in subdivision (c) or 1.05 times the statewide average base revenue limit per unit of average daily attendance for districts of similar type for the current fiscal year by the difference between the average daily attendance computed pursuant to Section 42238.5 for the current and 1982–83 fiscal years.

(C) Add the amounts in subparagraphs (A) and (B).

(2) This subdivision shall become inoperative on July 1, 1998.

(e) For districts electing to compute units of average daily attendance pursuant to paragraph (3) of subdivision (a) of Section 42238.5, the amount computed pursuant to Article 4 (commencing with Section 42280) shall be added to the amount computed in subdivision (c) or (d), as appropriate.

(f) For the 1984–85 fiscal year only, the county superintendent shall reduce the total revenue limit computed in this section by the amount of the decreased employer contributions to the Public Employees' Retirement System resulting from enactment of Chapter 330 of the Statutes of 1982, offset by any increase in those contributions, as of the 1983–84 fiscal year, resulting from subsequent changes in employer contribution rates.

(g) The reduction required by subdivision (f) shall be calculated as follows:

(1) Determine the amount of employer contributions that would have been made in the 1983–84 fiscal year if the applicable Public Employees' Retirement System employer contribution rate

1 in effect immediately prior to the enactment of Chapter 330 of the  
2 Statutes of 1982 were in effect during the 1983–84 fiscal year.

3 (2) Subtract from the amount determined in paragraph (1) the  
4 greater of subparagraph (A) or (B):

5 (A) The amount of employer contributions that would have  
6 been made in the 1983–84 fiscal year if the applicable Public  
7 Employees’ Retirement System employer contribution rate in  
8 effect immediately after the enactment of Chapter 330 of the  
9 Statutes of 1982 were in effect during the 1983–84 fiscal year.

10 (B) The actual amount of employer contributions made to the  
11 Public Employees’ Retirement System in the 1983–84 fiscal year.

12 (3) For purposes of this subdivision, employer contributions to  
13 the Public Employees’ Retirement System for any of the following  
14 shall be excluded from the calculation specified above:

15 (A) Positions supported totally by federal funds that were  
16 subject to supplanting restrictions.

17 (B) Positions supported by funds received pursuant to Section  
18 42243.6.

19 (C) Positions supported, to the extent of employer  
20 contributions not exceeding twenty-five thousand dollars  
21 (\$25,000) by any single educational agency, from a revenue source  
22 determined on the basis of equity to be properly excludable from  
23 the provisions of this subdivision by the Superintendent of Public  
24 Instruction with the approval of the Director of Finance.

25 (4) For accounting purposes, the reduction made by this  
26 subdivision may be reflected as an expenditure from appropriate  
27 sources of revenue as directed by the Superintendent of Public  
28 Instruction.

29 (h) The Superintendent of Public Instruction shall apportion to  
30 each school district the amount determined in this section less the  
31 sum of:

32 (1) The district’s property tax revenue received pursuant to  
33 Chapter 3 (commencing with Section 75) and Chapter 6  
34 (commencing with Section 95) of Part 0.5 of the Revenue and  
35 Taxation Code.

36 (2) The amount, if any, received pursuant to Part 18.5  
37 (commencing with Section 38101) of the Revenue and Taxation  
38 Code.

39 (3) The amount, if any, received pursuant to Chapter 3  
40 (commencing with Section 16140) of the Government Code.

1 (4) Prior years' taxes and taxes on the unsecured roll.

2 (5) Fifty percent of the amount received pursuant to Section  
3 41603.

4 (6) The amount of motor vehicle license fees distributed  
5 pursuant to Section 11003.4 of the Revenue and Taxation Code.

6 (7) The amount, if any, received pursuant to any provision of  
7 the Community Redevelopment Law (Part 1 (commencing with  
8 Section 33000) of Division 24 of the Health and Safety Code),  
9 except for any amount received pursuant to Section 33401 or  
10 33676 of the Health and Safety Code that is used for land  
11 acquisition, facility construction, reconstruction, or remodeling,  
12 or deferred maintenance, except for any amount received pursuant  
13 to Section 33492.15, paragraph (4) of subdivision (a) of Section  
14 33607.5, or Section 33607.7 of the Health and Safety Code that is  
15 allocated exclusively for educational facilities.

16 (8) For a unified school district, other than a unified school  
17 district that has converted all of its schools to charter status  
18 pursuant to Section 47606, the amount of statewide average  
19 general-purpose funding per unit of average daily attendance  
20 received by school districts for each of four grade level ranges, as  
21 computed by the State Department of Education pursuant to  
22 Section 47633, multiplied by the average daily attendance, in  
23 corresponding grade level ranges, of any pupils who attend charter  
24 schools funded pursuant to Chapter 6 (commencing with Section  
25 47630) of Part 26.8 for which the district is the sponsoring local  
26 educational agency, as defined in Section 47632, and who reside  
27 in and would otherwise have been eligible to attend a noncharter  
28 school of the district.

29 (i) ~~No~~ (1) *The transfer of seventh and eighth grade pupils*  
30 *between an elementary school district and a high school district*  
31 *shall may not result in the receiving district receiving a revenue*  
32 *limit apportionment for those pupils that exceeds 105 percent of*  
33 *the statewide average revenue limit for the type and size of the*  
34 *receiving school district.*

35 (2) *The transfer of seventh and eighth grade pupils between an*  
36 *elementary school district and a high school district triggers the*  
37 *recomputation, pursuant to Section 35735.1 of the base revenue*  
38 *limit per unit of average daily attendance of the district receiving*  
39 *the seventh and eighth grade pupils, except that the computations*  
40 *described in paragraphs (2) and (3) of subdivision (a) of Section*

1 35735. *I do not apply to a recomputation performed pursuant to*  
2 *this paragraph.*

3 SEC. 40. *Section 42239.15 of the Education Code is amended*  
4 *to read:*

5 42239.15. (a) For the 2000–01 fiscal year and each fiscal  
6 year thereafter, each school district and charter school ~~shall be~~ is  
7 eligible for reimbursement for hours of pupil attendance claimed  
8 for intensive algebra instruction academies offered pursuant to  
9 Chapter 18 (commencing with Section 53091) of Part 28 in an  
10 amount up to 6 percent of the total enrollment in grades 7 and 8 of  
11 the school district or charter school for the prior fiscal year  
12 multiplied by 120 hours, multiplied by the hourly rate for the  
13 current fiscal year determined pursuant to subdivision (c) of  
14 Section 42239. This amount shall be provided in addition to the  
15 amount provided pursuant to Section 42239.

16 (b) *Commencing with the 2002-03 fiscal year, the*  
17 *Superintendent of Public Instruction shall allocate a minimum of*  
18 *seven thousand four hundred and six dollars (\$7,406) for*  
19 *supplemental summer school programs established pursuant to*  
20 *Chapter 18 (commencing with Section 53091) of Part 28 from*  
21 *funds appropriated therefor in each school district for which the*  
22 *prior fiscal year enrollment was less than 333 pupils and that*  
23 *offered at least 1,500 hours of supplemental summer school*  
24 *instruction. A school district for which the prior fiscal year*  
25 *enrollment was less than 333 pupils that offered less than 1,500*  
26 *hours of supplemental summer school offerings shall receive a*  
27 *proportionately reduced allocation.*

28 (c) *Minimum allocations for supplemental summer school*  
29 *programs required pursuant to subdivision (b) shall be adjusted*  
30 *for inflation in the 2003–04 fiscal year, and each fiscal year*  
31 *thereafter, in accordance with Section 42238.1.*

32 (d) When expending funds received pursuant to this section, a  
33 school district shall give first priority for the purpose specified in  
34 paragraph (1) of subdivision (d) of Section 53092.

35 SEC. 41. *Section 44505 of the Education Code is amended to*  
36 *read:*

37 44505. (a) Between July 1, 1999, and June 30, 2000, a school  
38 district may notify the Superintendent of Public Instruction that it  
39 plans to implement, commencing July 1, 2000, a Peer Assistance  
40 and Review Program for Teachers pursuant to this article. Upon

1 receipt of the notification by the school district, the Superintendent  
2 of Public Instruction shall apportion to the school district two  
3 thousand eight hundred dollars (\$2,800) or an amount equal to the  
4 number of mentor teachers that the state calculated the school  
5 district is entitled to in the 1999–2000 fiscal year pursuant to  
6 Article 4 (commencing with Section 44490) multiplied by two  
7 thousand eight hundred dollars (\$2,800), whichever is greater.

8 (b) A school district that notifies the Superintendent of Public  
9 Instruction that it plans to implement a Peer Assistance and  
10 Review Program for Teachers by July 1, 2000, pursuant to  
11 subdivision (a), shall certify to the Superintendent of Public  
12 Instruction that it has implemented a program by August 1, 2000.  
13 In addition to the certification, the Superintendent of Public  
14 Instruction may request a copy of the signature page of the  
15 collective bargaining agreement implementing the program  
16 required pursuant to subdivision (a) of Section 44503. A school  
17 district that fails to provide the required certification is not eligible  
18 to receive an apportionment for the Peer Assistance and Review  
19 Program for Teachers pursuant to subdivision (a) of this section or  
20 subdivision (a) of Section 44498 in the 2000–01 school year, or in  
21 any year thereafter. The school district, however, may be eligible  
22 to receive an apportionment for the Peer Assistance and Review  
23 Program for Teachers pursuant to subdivision (c) of this section  
24 and subdivision (a) of Section 44498 in the 2000–01 school year,  
25 and in each year thereafter, if the school district complies with the  
26 requirements set forth in subdivisions (c) and (d).

27 (c) Between July 1, 2000, and May 31, 2001, a school district  
28 may notify the Superintendent of Public Instruction that it plans to  
29 implement, commencing July 1, 2001, a Peer Assistance and  
30 Review Program for Teachers pursuant to this article. On or before  
31 June 29, 2001, the Superintendent of Public Instruction shall  
32 apportion to every school district that provides this notification an  
33 amount equal to the number of mentor teachers that the state  
34 calculated the school district is entitled to in the 1999–2000 school  
35 year pursuant to Article 4 (commencing with Section 44490) times  
36 a maximum of one thousand dollars (\$1,000). Any school district  
37 that provides this notification shall receive at least the amount that  
38 would be received pursuant to this section by a school district with  
39 one state funded mentor in the 2000–01 school year pursuant to  
40 Article 4 (commencing with Section 44490).



(d) A school district that notifies the Superintendent of Public Instruction that it plans to implement a Peer Assistance and Review Program for Teachers by July 1, 2001, pursuant to subdivision (c), shall certify to the Superintendent of Public Instruction that it has implemented a program by July 1, 2001. In addition to the certification, the Superintendent of Public Instruction may request a copy of the signature page of the collective bargaining agreement implementing the program required pursuant to subdivision (a) of Section 44503. A school district that fails to provide the required certification is not eligible for any apportionment for the Peer Assistance and Review Program received pursuant to subdivision (c) of this section, and subdivision (a) of Section 44498 in the 2001–02 school year, or in any year thereafter.

(e) The funding provided pursuant to subdivisions (a) and (c) of this section and subdivision (a) of Section 44498 shall be provided to eligible school districts in each year that the school operates a Peer Assistance and Review Program for Teachers pursuant to this article except as provided in paragraph (2).

(f) The maximum amount of funds available for apportionment to school districts by the Superintendent of Public Instruction for allocation pursuant to subdivision (c) shall be the amount appropriated pursuant to subdivision (a) of Section 6 of the act adding this section, minus any funds apportioned by the Superintendent of Public Instruction to school districts pursuant to subdivision (a) as of June 30, 2000.

(g) A school district may use funds apportioned pursuant to this section for activities necessary to implement the Peer Assistance and Review Program for Teachers.

*SEC. 42. Section 45037 of the Education Code is amended to read:*

45037. (a) Except as provided in Section 45036, for the fiscal year 2001–02 and for any fiscal year thereafter in which a person renders service as a teacher in kindergarten or any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result under Chapter 6.10 (commencing with Section 52120) of Part 28. The penalty shall be calculated as provided in subdivision (b) and withheld

1 from state funding otherwise due to the district or county office of  
2 education.

3 (1) Notwithstanding Section 46300, the attendance of the  
4 noncertificated person's pupils during the period of service shall  
5 be included in the computation of average daily attendance.

6 (2) The noncertificated person's period of service shall not be  
7 excluded from the determination of eligibility for incentive  
8 funding for a longer instructional day or year, or both, pursuant to  
9 Article 8 (commencing with Section 46200) of Chapter 2 of Part  
10 26.

11 (b) (1) For each person who rendered service in the  
12 employment of the district or county office of education as a  
13 teacher in kindergarten or any of grades 1 to 12, inclusive, during  
14 the fiscal year, add the total number of schooldays on which the  
15 person rendered any amount of the service.

16 (2) For each person who rendered service in the employment  
17 of the district or county office of education as a teacher in  
18 kindergarten or any of grades 1 to 12, inclusive, during the fiscal  
19 year, for a period of service during which the person did not have  
20 a valid certification document, add the number of schooldays on  
21 which the person rendered any amount of the service without a  
22 valid certification document.

23 (3) Divide the number determined in paragraph (2) by the  
24 number determined in paragraph (1) and carry the result to four  
25 decimal places.

26 (4) Multiply a school district's revenue limit entitlement for the  
27 fiscal year, calculated pursuant to Section 42238, or its funding  
28 amount calculated pursuant to Article 4 (commencing with  
29 Section 42280) of Chapter 7 of Part 24, as applicable, or a county  
30 office of education's funding for the fiscal year, for the program  
31 in which the noncertificated person rendered service by the  
32 number determined in paragraph (3).

33 (c) Beginning in 2002–03, if a county office of education ~~draws~~  
34 ~~an order for~~ releases a warrant in favor of a person for whom a  
35 period of school district service is included in the calculation set  
36 forth in paragraph (2) of subdivision (b), the county office shall be  
37 assessed a penalty. The penalty assessed to a county office for any  
38 fiscal year in which one or more district teachers did not have a  
39 valid certification document shall be equal to the lesser of three  
40 amounts as follows:

(1) Fifty percent of all penalties assessed for that fiscal year to all school districts in the county office's jurisdiction pursuant to subdivision (b).

(2) One-half percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when two or fewer districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(3) One percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(d) Nothing in this section may be waived in whole or in any part.

*SEC. 43. Section 45357 of the Education Code is repealed.*

~~45357. No later than June 30, 1994, the California Postsecondary Education Commission shall complete an evaluation of the Associate of Arts, Teacher Assistant program, as operated in the two community college districts selected pursuant to Section 45351, which shall include, but need not be limited to, the data set forth in paragraph (3) of subdivision (c) of Section 45351, and shall report the results of that evaluation, together with its recommendations for program improvements, if any, to the Governor, the Legislature, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction.~~

*SEC. 44. Section 45358 of the Education Code is repealed.*

~~45358. No later than June 30, 1994, the Superintendent of Public Instruction shall complete an evaluation of the use of teacher assistants pursuant to this article in elementary schools in this state, the scope of which evaluation shall include the extent of improvement in the performance of pupils in classes using teacher assistants, as measured by the results of academic performance testing. On or before that date, the superintendent shall report the results of that evaluation, together with recommendations for program improvements, if any, to the Governor, the Legislature, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Commission on Teacher Credentialing.~~

1     *SEC. 45. Section 46201 of the Education Code is amended to*  
2     *read:*

3     46201. (a) In each of the 1984–85, 1985–86, and 1986–87  
4     fiscal years, for each school district that certifies to the  
5     Superintendent of Public Instruction that it offers at least the  
6     amount of instructional time specified in this subdivision at a grade  
7     level or levels, the Superintendent of Public Instruction shall  
8     determine an amount equal to twenty dollars (\$20) per unit of  
9     current year second principal apportionment regular average daily  
10    attendance in kindergarten and grades 1 to 8, inclusive, and forty  
11    dollars (\$40) per unit of current year second principal  
12    apportionment regular average daily attendance in grades 9 to 12,  
13    inclusive. This section shall not apply to adult average daily  
14    attendance, the average daily attendance for pupils attending  
15    summer schools, alternative schools, regional occupational  
16    centers and programs, continuation high schools, or opportunity  
17    schools, and the attendance of pupils while participating in  
18    community college or independent study programs.

19    (1) In the 1984–85 fiscal year, for kindergarten and each of  
20    grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B):

21    (A) The number of instructional minutes offered at that grade  
22    level in the 1982–83 fiscal year.

23    (B) One-third of the difference between the number of minutes  
24    specified for that grade level in paragraph (3) and the number of  
25    instructional minutes offered at that grade level in the 1982–83  
26    fiscal year.

27    (2) In the 1985–86 fiscal year, for kindergarten and each of  
28    grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B):

29    (A) The number of instructional minutes offered at that grade  
30    level in the 1982–83 fiscal year.

31    (B) Two-thirds of the difference between the number of  
32    minutes specified for that grade level in paragraph (3) and the  
33    number of instructional minutes offered at that grade level in the  
34    1982–83 fiscal year.

35    (3) In the 1986–87 fiscal year:

36    (A) Thirty-six thousand minutes in kindergarten.

37    (B) Fifty thousand four hundred minutes in grades 1 to 3,  
38    inclusive.

39    (C) Fifty-four thousand minutes in grades 4 to 8, inclusive.

(D) Sixty-four thousand eight hundred minutes in grades 9 to 12, inclusive.

(4) In any fiscal year, each school district that receives an apportionment pursuant to subdivision (a) for average daily attendance in grades 9 to 12, inclusive, shall offer a program of instruction that allows each student to receive at least 24 course years of instruction, or the equivalent, during grades 9 to 12, inclusive.

(5) For any schoolsite at which programs are operated in more than one of the grade levels enumerated in subparagraph (B) or (C) of paragraph (3), the school district may calculate a weighted average of minutes for those grade levels at that schoolsite for purposes of making the certification authorized by this subdivision.

(b) (1) If any of the amounts of instructional time specified in paragraph (3) of subdivision (a) is a lesser number of minutes for that grade level than actually provided by the district in the same grade in the 1982–83 fiscal year, the 1982–83 fiscal year number of minutes for that grade level, adjusted to comply with Section 46111, shall instead be the requirement for the purposes of paragraphs (1), (2), and (3) of subdivision (a). Commencing with the 1990–91 fiscal year, and each fiscal year through the 1995–96 fiscal year, any school district subject to this subdivision that does not maintain the number of instructional minutes for a particular grade level that the school district maintained for the 1982–83 fiscal year, adjusted to comply with Section 46111, shall not be subject to paragraphs (1) to (3), inclusive, of subdivision (c) if that school district maintains at least the minimum number of instructional minutes for each grade level set forth in paragraph (3) of subdivision (a) in the 1990–91 fiscal year and each fiscal year through the 1994–95 fiscal year or the 1995–96 fiscal year for districts whose instructional minutes were adjusted to comply with Section 46111, and thereafter returns to the number of instructional minutes maintained for each grade level in the 1982–83 fiscal year.

(2) The Legislature finds and declares that the school districts to which paragraph (1) is applicable have not offered any less instructional time than is required of all other school districts and therefore should not be forced to pay any penalty.

(c) (1) For any school district that receives an apportionment pursuant to subdivision (a) in the 1984–85 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (1) of subdivision (a) in the 1985–86 fiscal year or any fiscal year thereafter, up to and including the 2000–01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1985–86 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1985–86 fiscal year and fiscal years thereafter.

(2) For each school district that receives an apportionment pursuant to subdivision (a) in the 1985–86 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (2) of subdivision (a) in the 1986–87 fiscal year or any fiscal year thereafter, up to and including the 2000–01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1986–87 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1986–87 fiscal year and fiscal years thereafter.

(3) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986–87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in paragraph (3) of subdivision (a) in the 1987–88 fiscal year or any fiscal year thereafter, up to and including the 2000–01 fiscal year, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for the fiscal year in which the reduction occurs by an amount attributable to the increase in the 1987–88 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 42238, as adjusted in the 1987–88 fiscal year and fiscal years thereafter.

(d) For each school district that receives an apportionment pursuant to subdivision (a) in the 1986–87 fiscal year and that reduces the amount of instructional time offered below the minimum amounts specified in *either* paragraph (3) of subdivision



(a) or paragraph (1) of subdivision (b), whichever is applicable, in the 2001–02 fiscal year, or any fiscal year thereafter, the Superintendent of Public Instruction shall withhold from the district’s revenue limit apportionment for the average daily attendance of each affected grade level, the sum of that apportionment multiplied by the percentage of the minimum offered minutes at that grade level that the district failed to offer.

*SEC. 46. Section 46202 of the Education Code is amended to read:*

46202. (a) Except as otherwise provided in this section, in fiscal year 2000–01 and prior, if ~~the governing board of a school district that does not participate in the program set forth in this article~~ offers less instructional time than the amount of instructional time fixed for the 1982–83 fiscal year, the Superintendent of Public Instruction shall, in that fiscal year, reduce that district’s apportionment by the average percentage increase in the base revenue limit for districts of similar type and size multiplied by the district’s units of average daily attendance.

(b) Except as otherwise provided in this section, in fiscal year 2001–02 and any fiscal year thereafter, if the governing board of a school district offers less instructional time than the amount of instructional time fixed for the 1982–83 fiscal year, the Superintendent of Public Instruction shall withhold for that fiscal year, from the district’s revenue limit apportionment for the average daily attendance of each affected grade level, the sum of that apportionment multiplied by the percentage of instructional minutes fixed in the 1982–83 school year, at that grade level, that the district failed to offer.

(c) The Glendora Unified School District shall reinstate the sixth period, which shall be equivalent to at least 50 minutes of instruction, effective the start of the second semester of the 1983–84 fiscal year.

*SEC. 47. Section 48209.16 of the Education Code is amended to read:*

48209.16. This article shall become inoperative on July 1, ~~2003~~ 2008, and, as of January 1, ~~2004~~ 2009, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2004~~ 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

*SEC. 48. Section 48209.17 of the Education Code is repealed.*

~~48209.17. On or before July 1, 2002, the Superintendent of Public Instruction shall report to the Governor and the Legislature on the effectiveness of this article and make recommendations regarding the continuation or modification of this article.~~

SEC. 49. Section 48916 of the Education Code is amended to read:

48916. (a) An expulsion order shall remain in effect until the governing board, in the manner prescribed in this article, orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the governing board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district, except that the governing board may set an earlier date for readmission on a case-by-case basis. *If an expulsion is ordered during summer session or the intercession period of a year-round program, the governing board shall set a date, not later than the last day of the semester following the summer session or intersession period during which the expulsion was ordered, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended.*

(b) The governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

(c) The governing board of each school district shall adopt rules and regulations establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, the governing board shall readmit the pupil, unless the governing board makes a finding that

1 the pupil has not met the conditions of the rehabilitation plan or  
2 continues to pose a danger to campus safety or to other pupils or  
3 employees of the school district. A description of the procedure  
4 shall be made available to the pupil and the pupil's parent or  
5 guardian at the time the expulsion order is entered.

6 (d) If the governing board denies the readmission of an  
7 expelled pupil pursuant to subdivision (c), the governing board  
8 shall make a determination either to continue the placement of the  
9 pupil in the alternative educational program initially selected for  
10 the pupil during the period of the expulsion order or to place the  
11 pupil in another program that may include, but need not be limited  
12 to, serving expelled pupils, including placement in a county  
13 community school.

14 (e) The governing board shall provide written notice to the  
15 expelled pupil and the pupil's parent or guardian describing the  
16 reasons for denying the pupil readmittance into the regular school  
17 district program. The written notice shall also include the  
18 determination of the educational program for the expelled pupil  
19 pursuant to subdivision (d). The expelled pupil shall enroll in that  
20 educational program unless the parent or guardian of the pupil  
21 elects to enroll the pupil in another school district.

22 *SEC. 50. Section 48918 of the Education Code is amended to*  
23 *read:*

24 48918. The governing board of each school district shall  
25 establish rules and regulations governing procedures for the  
26 expulsion of pupils. These procedures shall include, but are not  
27 necessarily limited to, all of the following:

28 (a) The pupil shall be entitled to a hearing to determine whether  
29 the pupil should be expelled. An expulsion hearing shall be held  
30 within 30 schooldays after the date the principal or the  
31 superintendent of schools determines that the pupil has committed  
32 any of the acts enumerated in Section 48900, unless the pupil  
33 requests, in writing, that the hearing be postponed. The adopted  
34 rules and regulations shall specify that the pupil is entitled to at  
35 least one postponement of an expulsion hearing, for a period of not  
36 more than 30 calendar days. Any additional postponement may be  
37 granted at the discretion of the governing board.

38 Within 10 schooldays after the conclusion of the hearing, the  
39 governing board shall decide whether to expel the pupil, unless the  
40 pupil requests in writing that the decision be postponed. If the

1 hearing is held by a hearing officer or an administrative panel, or  
2 if the district governing board does not meet on a weekly basis, the  
3 governing board shall decide whether to expel the pupil within 40  
4 schooldays after the date of the pupil's removal from his or her  
5 school of attendance for the incident for which the  
6 recommendation for expulsion is made by the principal or the  
7 superintendent, unless the pupil requests in writing that the  
8 decision be postponed.

9 If compliance by the governing board with the time  
10 requirements for the conducting of an expulsion hearing under this  
11 subdivision is impracticable during the regular school year, the  
12 superintendent of schools or the superintendent's designee may,  
13 for good cause, extend the time period for the holding of the  
14 expulsion hearing for an additional five schooldays. If compliance  
15 by the governing board with the time requirements for the  
16 conducting of an expulsion hearing under this subdivision is  
17 impractical due to a summer recess of governing board meetings  
18 of more than two weeks, the days during the recess period shall not  
19 be counted as schooldays in meeting the time requirements. The  
20 days not counted as schooldays in meeting the time requirements  
21 for an expulsion hearing because of a summer recess of governing  
22 board meetings shall not exceed 20 schooldays, as defined in  
23 subdivision (c) of Section 48925, and unless the pupil requests in  
24 writing that the expulsion hearing be postponed, the hearing shall  
25 be held not later than 20 calendar days prior to the first day of  
26 school for the school year. Reasons for the extension of the time  
27 for the hearing shall be included as a part of the record at the time  
28 the expulsion hearing is conducted. Upon the commencement of  
29 the hearing, all matters shall be pursued and conducted with  
30 reasonable diligence and shall be concluded without any  
31 unnecessary delay.

32 (b) Written notice of the hearing shall be forwarded to the pupil  
33 at least 10 calendar days prior to the date of the hearing. The notice  
34 shall include all of the following:

35 (1) The date and place of the hearing.

36 (2) A statement of the specific facts and charges upon which the  
37 proposed expulsion is based.

38 (3) A copy of the disciplinary rules of the district that relate to  
39 the alleged violation.

(4) A notice of the parent, guardian, or pupil's obligation pursuant to subdivision (b) of Section 48915.1.

(5) Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by legal counsel or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during their testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing. ~~Nothing in this~~ *This section is intended to does not* require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a nonattorney adviser at the hearing.

(A) For purposes of this section, "legal counsel" means an attorney or lawyer who is admitted to the practice of law in California; and is an active member of the State Bar of California.

(B) For purposes of this section, "nonattorney advisor" means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the pupil or pupil's parent or guardian to provide assistance at the hearing.

(c) Notwithstanding Section 54593 of the Government Code and Section 35145, the governing board shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board may

1 meet in closed session for the purpose of deliberating and  
2 determining whether the pupil should be expelled.

3 If the governing board or the hearing officer or administrative  
4 panel appointed under subdivision (d) to conduct the hearing  
5 admits any other person to a closed deliberation session, the parent  
6 or guardian of the pupil, the pupil, and the counsel of the pupil also  
7 shall be allowed to attend the closed deliberations.

8 If the hearing is to be conducted at a public meeting, and there  
9 is a charge of committing or attempting to commit a sexual assault  
10 as defined in subdivision (n) of Section 48900 or committing a  
11 sexual battery as defined in subdivision (n) of Section 48900, a  
12 complaining witness shall have the right to have his or her  
13 testimony heard in a session closed to the public when testifying  
14 at a public meeting would threaten serious psychological harm to  
15 the complaining witness and there are no alternative procedures to  
16 avoid the threatened harm, including, but not limited to,  
17 videotaped deposition or contemporaneous examination in  
18 another place communicated to the hearing room by means of  
19 closed-circuit television.

20 (d) Instead of conducting an expulsion hearing itself, the  
21 governing board may contract with the county hearing officer, or  
22 with the Office of Administrative Hearings of the State of  
23 California pursuant to Chapter 14 (commencing with Section  
24 27720) of Part 3 of Division 2 of Title 3 of the Government Code  
25 and Section 35207, for a hearing officer to conduct the hearing.  
26 The governing board may also appoint an impartial administrative  
27 panel of three or more certificated persons, none of whom is a  
28 member of the board or employed on the staff of the school in  
29 which the pupil is enrolled. The hearing shall be conducted in  
30 accordance with all of the procedures established under this  
31 section.

32 (e) Within three schooldays after the hearing, the hearing  
33 officer or administrative panel shall determine whether to  
34 recommend the expulsion of the pupil to the governing board. If  
35 the hearing officer or administrative panel decides not to  
36 recommend expulsion, the expulsion proceedings shall be  
37 terminated and the pupil immediately shall be reinstated and  
38 permitted to return to a classroom instructional program, any other  
39 instructional program, a rehabilitation program, or any  
40 combination of these programs. Placement in one or more of these



1 programs shall be made by the superintendent of schools or the  
2 superintendent's designee after consultation with school district  
3 personnel, including the pupil's teachers, and the pupil's parent or  
4 guardian. The decision not to recommend expulsion shall be final.

5 (f) If the hearing officer or administrative panel recommends  
6 expulsion, findings of fact in support of the recommendation shall  
7 be prepared and submitted to the governing board. All findings of  
8 fact and recommendations shall be based solely on the evidence  
9 adduced at the hearing. If the governing board accepts the  
10 recommendation calling for expulsion, acceptance shall be based  
11 either upon a review of the findings of fact and recommendations  
12 submitted by the hearing officer or panel or upon the results of any  
13 supplementary hearing conducted pursuant to this section that the  
14 governing board may order.

15 The decision of the governing board to expel a pupil shall be  
16 based upon substantial evidence relevant to the charges adduced  
17 at the expulsion hearing or hearings. Except as provided in this  
18 section, no evidence to expel shall be based solely upon hearsay  
19 evidence. The governing board or the hearing officer or  
20 administrative panel may, upon a finding that good cause exists,  
21 determine that the disclosure of either the identity of a witness or  
22 the testimony of that witness at the hearing, or both, would subject  
23 the witness to an unreasonable risk of psychological or physical  
24 harm. Upon this determination, the testimony of the witness may  
25 be presented at the hearing in the form of sworn declarations which  
26 shall be examined only by the governing board or the hearing  
27 officer or administrative panel. Copies of these sworn  
28 declarations, edited to delete the name and identity of the witness,  
29 shall be made available to the pupil.

30 (g) A record of the hearing shall be made. The record may be  
31 maintained by any means, including electronic recording, so long  
32 as a reasonably accurate and complete written transcription of the  
33 proceedings can be made.

34 (h) Technical rules of evidence shall not apply to the hearing,  
35 but relevant evidence may be admitted and given probative effect  
36 only if it is the kind of evidence upon which reasonable persons are  
37 accustomed to rely in the conduct of serious affairs. A decision of  
38 the governing board to expel shall be supported by substantial  
39 evidence showing that the pupil committed any of the acts  
40 enumerated in Section 48900.

1 In hearings which include an allegation of committing or  
2 attempting to commit a sexual assault as defined in subdivision (n)  
3 of Section 48900 or committing a sexual battery as defined in  
4 subdivision (n) of Section 48900, evidence of specific instances,  
5 of a complaining witness' prior sexual conduct is to be presumed  
6 inadmissible and shall not be heard absent a determination by the  
7 person conducting the hearing that extraordinary circumstances  
8 exist requiring the evidence be heard. Before the person  
9 conducting the hearing makes the determination on whether  
10 extraordinary circumstances exist requiring that specific instances  
11 of a complaining witness' prior sexual conduct be heard, the  
12 complaining witness shall be provided notice and an opportunity  
13 to present opposition to the introduction of the evidence. In the  
14 hearing on the admissibility of the evidence, the complaining  
15 witness shall be entitled to be represented by a parent, guardian,  
16 legal counsel, or other support person. Reputation or opinion  
17 evidence regarding the sexual behavior of the complaining witness  
18 is not admissible for any purpose.

19 (i) (1) Before the hearing has commenced, the governing  
20 board may issue subpoenas at the request of either the  
21 superintendent of schools or the superintendent's designee or the  
22 pupil, for the personal appearance of percipient witnesses at the  
23 hearing. After the hearing has commenced, the governing board or  
24 the hearing officer or administrative panel may, upon request of  
25 either the county superintendent of schools or the superintendent's  
26 designee or the pupil, issue subpoenas. All subpoenas shall be  
27 issued in accordance with Sections 1985, 1985.1, and 1985.2 of the  
28 Code of Civil Procedure. Enforcement of subpoenas shall be done  
29 in accordance with Section ~~H525~~ 11455.20 of the Government  
30 Code.

31 (2) Any objection raised by the superintendent of schools or the  
32 superintendent's designee or the pupil to the issuance of subpoenas  
33 may be considered by the governing board in closed session, or in  
34 open session, if so requested by the pupil before the meeting. Any  
35 decision by the governing board in response to an objection to the  
36 issuance of subpoenas shall be final and binding.

37 (3) If the governing board, hearing officer, or administrative  
38 panel determines, in accordance with subdivision (f), that a  
39 percipient witness would be subject to an unreasonable risk of  
40 harm by testifying at the hearing, a subpoena shall not be issued

1 to compel the personal attendance of that witness at the hearing.  
2 However, that witness may be compelled to testify by means of a  
3 sworn declaration as provided for in subdivision (f).

4 (4) Service of process shall be extended to all parts of the state  
5 and shall be served in accordance with Section 1987 of the Code  
6 of Civil Procedure. All witnesses appearing pursuant to subpoena,  
7 other than the parties or officers or employees of the state or any  
8 political subdivision thereof, shall receive fees, and all witnesses  
9 appearing pursuant to subpoena, except the parties, shall receive  
10 mileage in the same amount and under the same circumstances as  
11 prescribed for witnesses in civil actions in a superior court. Fees  
12 and mileage shall be paid by the party at whose request the witness  
13 is subpoenaed.

14 (j) Whether an expulsion hearing is conducted by the  
15 governing board or before a hearing officer or administrative  
16 panel, final action to expel a pupil shall be taken only by the  
17 governing board in a public session. Written notice of any decision  
18 to expel or to suspend the enforcement of an expulsion order  
19 during a period of probation shall be sent by the superintendent of  
20 schools or his or her designee to the pupil or the pupil's parent or  
21 guardian and shall be accompanied by all of the following:

22 (1) Notice of the right to appeal the expulsion to the county  
23 board of education.

24 (2) Notice of the education alternative placement to be  
25 provided to the pupil during the time of expulsion.

26 (3) Notice of the obligation of the parent, guardian, or pupil  
27 under subdivision (b) of Section 48915.1, upon the pupil's  
28 enrollment in a new school district, to inform that district of the  
29 pupil's expulsion.

30 (k) The governing board shall maintain a record of each  
31 expulsion, including the cause therefor. Records of expulsions  
32 shall be a nonprivileged, disclosable public record.

33 The expulsion order and the causes therefor shall be recorded in  
34 the pupil's mandatory interim record and shall be forwarded to any  
35 school in which the pupil subsequently enrolls upon receipt of a  
36 request from the admitting school for the pupil's school records.

37 *SEC. 51. Section 48980 of the Education Code is amended to*  
38 *read:*

39 48980. (a) At the beginning of the first semester or quarter of  
40 the regular school term, the governing board of each school district

1 shall notify the parent or guardian of its minor pupils regarding the  
2 right or responsibility of the parent or guardian under Sections  
3 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451,  
4 49472, 51240, and 51550 and Chapter 2.3 (commencing with  
5 Section 32255) of Part 19.

6 (b) The notification also shall advise the parent or guardian of  
7 the availability of individualized instruction as prescribed by  
8 Section 48206.3, and of the program prescribed by Article 9  
9 (commencing with Section 49510) of Chapter 9.

10 (c) The notification shall also advise the parents and guardians  
11 of all pupils attending a school within the district of the schedule  
12 of minimum days and pupil-free staff development days, and if  
13 any minimum or pupil-free staff development days are scheduled  
14 thereafter, the governing board shall notify parents and guardians  
15 of the affected pupils as early as possible, but not later than one  
16 month before the scheduled minimum or pupil-free day.

17 (d) The notification also may advise the parent or guardian of  
18 the importance of investing for future college or university  
19 education for their children and of considering appropriate  
20 investment options including, but not limited to, United States  
21 Savings Bonds.

22 (e) Commencing with the 2000–01 school year, and each  
23 school year thereafter, the notification shall advise the parent or  
24 guardian of the pupil that, commencing with the 2003–04 school  
25 year, and each school year thereafter, each pupil completing 12th  
26 grade will be required to successfully pass the high school exit  
27 examination administered pursuant to Chapter 8 (commencing  
28 with Section 60850) of Part 33. The notification shall include, at  
29 a minimum, the date of the examination, the requirements for  
30 passing the examination, and shall inform the parents and  
31 guardians regarding the consequences of not passing the  
32 examination and shall inform parents and guardians that passing  
33 the examination is a condition of graduation.

34 (f) Each school district that elects to provide a fingerprinting  
35 program pursuant to Article 10 (commencing with Section 32390)  
36 shall inform parents or guardians of the program as specified in  
37 Section 32390.

38 ~~(g) Until July 1, 1998, the notification shall also advise the~~  
39 ~~parent or guardian of the availability of the employment-based~~

~~school attendance options pursuant to subdivision (f) of Section 48204.~~

~~(h)~~ The notification shall also include a copy of the district's written policy on sexual harassment established pursuant to Section 212.6, as it relates to pupils.

~~(i)~~

(h) Commencing July 1, 1998, the notification shall include a copy of the written policy of the school district adopted pursuant to Section 51870.5 regarding access by pupils to Internet and online sites.

~~(j)~~

(i) The notification shall advise the parent or guardian of all current statutory attendance options and local attendance options available in the school district. That notification shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. That notification shall also include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the current statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, subdivision (f) of Section 48204, and Article 1.5 (commencing with Section 48209) of Chapter 2 of Part 27. The State Department of Education shall produce this portion of the notification and shall distribute it to all school districts.

~~(k)~~

(j) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California's pupils.

~~(l)~~

(k) The notification shall advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205

1 when missed assignments and tests that can reasonably be  
2 provided are satisfactorily completed within a reasonable period  
3 of time, and shall include the full text of Section 48205.

4 ~~(m)–~~

5 ((l) The notification shall advise the parent or guardian of the  
6 availability of state funds to cover the costs of advanced placement  
7 examination fees pursuant to Section 52244.

8 *SEC. 52. Section 51882 of the Education Code is repealed.*

9 ~~51882. The Legislative Analyst shall report to the~~  
10 ~~Legislature, by April 1, 1979, on the status of the programs~~  
11 ~~provided for by this chapter in terms of the number of participating~~  
12 ~~school districts, materials distributed and developed, the extent of~~  
13 ~~in-service training and participants, trend of the programs, and~~  
14 ~~similar factors.~~

15 *SEC. 53. Section 52055.600 of the Education Code is*  
16 *amended to read:*

17 52055.600. (a) The High Priority Schools Grant Program for  
18 Low Performing Schools is hereby established. Participation in  
19 this program is voluntary.

20 (b) From funds made available for purposes of this article, the  
21 Superintendent of Public Instruction shall allocate a total of four  
22 hundred dollars (\$400) per pupil, *but not less than fifty thousand*  
23 *dollars (\$50,000)*, including funds received pursuant to Section  
24 52054.5 or for the Comprehensive School Reform Demonstration  
25 Program (Public Law 105-78), to eligible schools for  
26 implementation of a school action plan approved pursuant to this  
27 article. In the first year of participation, instead of four hundred  
28 dollars (\$400) per pupil, a schoolsite may receive a total of  
29 thirty-three dollars and thirty-three cents (\$33.33) per pupil for  
30 each month remaining in the fiscal year ending June 30, 2003,  
31 beginning in the month immediately following the date of  
32 approval by the State Board of Education of the action plan  
33 required pursuant to this article. If the plan is not approved prior  
34 to the end of the fiscal year, the funding shall be similarly prorated  
35 in the subsequent year.

36 (c) It is the intent of the Legislature that federal funding  
37 provided pursuant to the Comprehensive School Reform  
38 Demonstration Program (P.L. 105-78) supplement, not supplant,  
39 funding received pursuant to this article.



(d) Funds received pursuant to this article may not be used to match funds received pursuant to Article 3 (commencing with Section 52053).

(e) The school district shall keep fiscal records available for inspection that affirm allocation to schoolsites in accordance with this section and shall allocate resources in a manner that does not delay their use.

(f) *Notwithstanding any other provision of law, a school district receiving funding pursuant to this section in the 2002–03 fiscal year may carry over funds until the end of the 2003–04 fiscal year.*

*SEC. 54. Section 52055.640 of the Education Code is amended to read:*

52055.640. (a) As a condition of the receipt of funds for the initial and each subsequent year of funding pursuant to this article and to ensure that the school is progressing towards meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent of Public Instruction that includes the following:

(1) The academic improvement of pupils within the participating school as measured by the tests under Section 60640 and the progress made towards achieving English language proficiency as measured by the English language development test administered pursuant to Section 60810.

(2) The improvement of distribution of experienced teachers holding a valid California teaching credential across the district.

(3) The availability of instructional materials in core content areas that are aligned with the academic content and performance standards, including textbooks, for each pupil, including English language learners.

(4) The number of parents and guardians presently involved at each participating schoolsite as compared to the number participating at the beginning of the program.

(5) The number of pupils attending afterschool, tutoring, or homework assistance programs.

(6) For participating secondary schools, the number of pupils who are enrolled in and successfully completing advanced placement courses, by type, and requirements for admission to the University of California or the California State University, including courses in algebra, biology, and United States or world history.

(b) The report on the pupil literacy and achievement component shall be disaggregated by numerically significant subgroups, as defined in Section 52052, and English language learners and have a focus on improved scores in reading and mathematics as measured by the following:

(1) The Academic Performance Index, including the data collected pursuant to tests that are part of the Standardized Testing and Reporting Program and the writing sample that is part of that program.

(2) The results of the primary language test pursuant to Section 60640.

(3) Graduation rates, when the methodology for collecting this data has been confirmed to be valid and reliable.

(4) In addition, a school may use locally developed assessments to assist it in determining the pupil progress in academic literacy and achievement.

(c) The report on the quality of staff component shall include, but not be limited to, the following information:

(1) The number of teachers at the schoolsite holding a valid California teaching credential or district or university intern certificate or credential compared to those teachers at the same schoolsite holding a preintern certificate, emergency permit, or waiver.

(2) The number and ratio of teachers across the district holding a valid California teaching credential or district or university intern certificate or credential compared to those holding a preintern certificate, emergency permit, or waiver.

(3) The number of principals having completed training pursuant to Article 4.6 (commencing with Section 44510) of Chapter 3 of Part 25.

(4) The number of principals by credential type or years of experience and length of time at the schoolsite by years.

(d) The report on the parental involvement component shall include explicit involvement strategies being implemented at the schoolsite that are directly linked to activities supporting pupil academic achievement and verification that the schoolsite has developed a school-parent compact as required by Section 51101.

(e) All comparisons made in the reports required pursuant to this section shall be based on baseline data provided by the district

1 and schoolsite in the action plan that is certified and submitted with  
2 the initial application.

3 (f) To the extent that data is already reported to the  
4 Superintendent of Public Instruction, a school district need not  
5 include the data in the reports submitted pursuant to this section.

6 (g) Before submitting the reports required pursuant to this  
7 section, the school district shall, at a regularly scheduled public  
8 meeting of the governing board, review a participating school's  
9 progress towards achieving those goals.

10 *SEC. 55. Section 56001 of the Education Code is amended to*  
11 *read:*

12 56001. It is the intent of the Legislature that special education  
13 programs provide all of the following:

14 (a) Each individual with exceptional needs is assured an  
15 education appropriate to his or her needs in publicly supported  
16 programs through completion of his or her prescribed course of  
17 study ~~or until the time that he or she has met proficiency standards~~  
18 ~~prescribed~~ and until he or she meets graduation requirements or  
19 until he or she becomes 22 years of age, as specified in Section  
20 56026 and 56026.1.

21 (b) By June 30, 1991, early educational opportunities shall be  
22 available to all children between the ages of three and five years  
23 who require special education and services.

24 (c) Early educational opportunities shall be made available to  
25 children younger than three years of age pursuant to Chapter 4.4  
26 (commencing with Section 56425), appropriate sections of this  
27 part, and the California Early Intervention Service Act, Title 14  
28 (commencing with Section 95000) of the Government Code.

29 (d) Any child younger than three years, potentially eligible for  
30 special education, shall be afforded the protections provided  
31 pursuant to the California Early Intervention Services Act, Title 14  
32 (commencing with Section 95000) of the Government Code and  
33 Section 1439 of Title 20 of the United States Code and  
34 implementing regulations.

35 (e) Each individual with exceptional needs shall have his or her  
36 educational goals, objectives, and special education and related  
37 services specified in a written individualized education program.

38 (f) Education programs are provided under an approved local  
39 plan for special education that sets forth the elements of the  
40 programs in accordance with this part. This plan for special

1 education shall be developed cooperatively with input from the  
2 community advisory committee and appropriate representation  
3 from special and regular teachers and administrators selected by  
4 the groups they represent to ensure effective participation and  
5 communication.

6 (g) Individuals with exceptional needs are offered special  
7 assistance programs that promote maximum interaction with the  
8 general school population in a manner that is appropriate to the  
9 needs of both, taking into consideration, for hard-of-hearing or  
10 deaf children, the individual's needs for a sufficient number of age  
11 and language mode peers and for special education teachers who  
12 are proficient in the individual's primary language mode.

13 (h) Pupils are transferred out of special education programs  
14 when special education services are no longer needed.

15 (i) The unnecessary use of labels is avoided in providing  
16 special education and related services for individuals with  
17 exceptional needs.

18 (j) Procedures and materials for assessment and placement of  
19 individuals with exceptional needs shall be selected and  
20 administered so as not to be racially, culturally, or sexually  
21 discriminatory. No single assessment instrument shall be the sole  
22 criterion for determining placement of a pupil. The procedures and  
23 materials for assessment and placement shall be in the individual's  
24 mode of communication. Procedures and materials for use with  
25 pupils of limited English proficiency, as defined in subdivision  
26 (m) of Section 52163, shall be in the individual's primary  
27 language. All assessment materials and procedures shall be  
28 selected and administered pursuant to Section 56320.

29 (k) Educational programs are coordinated with other public  
30 and private agencies, including preschools, child development  
31 programs, nonpublic nonsectarian schools, regional occupational  
32 centers and programs, and postsecondary and adult programs for  
33 individuals with exceptional needs.

34 (l) Psychological and health services for individuals with  
35 exceptional needs shall be available to each schoolsite.

36 (m) Continuous evaluation of the effectiveness of these special  
37 education programs by the school district, special education local  
38 plan area, or county office shall be made to ensure the highest  
39 quality educational offerings.

(n) Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the responsibilities of the local plan and positive efforts are made to employ qualified disabled individuals.

(o) Regular and special education personnel are adequately prepared to provide educational instruction and services to individuals with exceptional needs.

SEC. 56. *Section 56028 of the Education Code is amended to read:*

56028. (a) “Parent,” includes any of the following:

(1) A person having legal custody of a child.

(2) Any adult pupil for whom no guardian or conservator has been appointed.

(3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives). “Parent” also includes a parent surrogate.

(4) *A foster parent if the natural parents’ authority to make educational decisions on the child’s behalf has been specifically limited by court order in accordance with subsection (b) of Section 300.20 of Title 34 of the Code of Federal Regulations.*

(b) “Parent” does not include the state or any political subdivision of government.

~~(4) A foster parent if the natural parents’ authority to make educational decisions on the child’s behalf has been specifically limited by court order in accordance with subsection (b) of Section 300.20 of Title 34 of the Code of Federal Regulations.~~

SEC. 57. *Section 56032 of the Education Code is amended to read:*

56032. “Individualized education program” means *a written document described in Sections 56345 and 56345.1 for an individual with exceptional needs that is developed, reviewed, and revised in a meeting in accordance with Sections 300.340 to 300.350, inclusive, of Title 34 of the Code of Federal Regulations and this part. It also means* “individualized family service plan” as described in Section 1436 of Title 20 of the United States Code when individualized education program pertains to individuals with exceptional needs younger than three years of age.

SEC. 58. *Section 56043 of the Education Code is amended to read:*

1 56043. The primary timelines affecting special education  
2 programs are as follows:

3 (a) A proposed assessment plan shall be developed within 15  
4 calendar days of referral for assessment, not counting calendar  
5 days between the pupil's regular school sessions or terms or  
6 calendar days of school vacation in excess of five schooldays from  
7 the date of receipt of the referral, unless the parent or guardian  
8 agrees, in writing, to an extension, pursuant to subdivision (a) of  
9 Section 56321.

10 (b) A parent or guardian shall have at least 15 calendar days  
11 from the receipt of the proposed assessment plan to arrive at a  
12 decision, pursuant to subdivision (c) of Section 56321.

13 (c) A parent or guardian shall be notified of the individualized  
14 education program meeting early enough to ensure an opportunity  
15 to attend, pursuant to subdivision (b) of Section 56341.5.

16 (d) An individualized education program required as a result of  
17 an assessment of a pupil shall be developed within a total time not  
18 to exceed 50 calendar days, not counting days between the pupil's  
19 regular school sessions, terms, or days of school vacation in excess  
20 of five schooldays, from the date of receipt of the parent's or  
21 guardian's written consent for assessment, unless the parent or  
22 guardian agrees, in writing, to an extension, pursuant to Section  
23 56344.

24 (e) Beginning at age 14 *or younger, if determined by the*  
25 *individualized education program team pursuant to paragraph (1)*  
26 *of subsection (b) of Section 300.347 of Title 34 of the Code of*  
27 *Federal Regulations*, and updated annually, a statement of the  
28 transition service needs of the pupil shall be included in the pupil's  
29 individualized education program, pursuant to subdivision (a) of  
30 Section 56345.1.

31 (f) Beginning at age 16, or younger, and annually thereafter, a  
32 statement of needed transition services shall be included in the  
33 pupil's individualized education program, pursuant to subdivision  
34 (b) of Section 56345.1.

35 (g) A pupil's individualized education program shall be  
36 implemented as soon as possible following the individualized  
37 education program meeting, pursuant to Section 3040 of Title 5 of  
38 the California Code of Regulations.

39 (h) An individualized education program team shall meet at  
40 least annually to review a pupil's progress, the individualized



1 education program, including whether the annual goals for the  
2 pupil are being achieved, the appropriateness of the placement,  
3 and to make any necessary revisions, pursuant to subdivision (d)  
4 of Section 56343, subdivision (a) of Section 56380, and Section  
5 3068 of Title 5 of the California Code of Regulations.

6 (i) A reassessment of a pupil shall be conducted at least once  
7 every three years or more frequently, if conditions warrant a  
8 reassessment and a new individualized education program to be  
9 developed, pursuant to Section 56381.

10 (j) A meeting of an individualized education program team  
11 requested by a parent or guardian to review an individualized  
12 education program pursuant to subdivision (c) of Section 56343  
13 shall be held within 30 calendar days, not counting days in July and  
14 August, from the date of receipt of the parent's or guardian's  
15 written request, pursuant to Section 56343.5.

16 (k) The administrator of a local program under this part shall  
17 ensure that the pupil is immediately provided an interim placement  
18 for a period not to exceed 30 calendar days whenever a pupil  
19 transfers into a school district from a school district not operating  
20 programs under the same local plan in which he or she was last  
21 enrolled in a special education program pursuant to Section 56325.

22 (l) The parent or guardian shall have the right and opportunity  
23 to examine all school records of the child and to receive copies  
24 within five calendar days after a request is made by the parent or  
25 guardian, either orally or in writing, pursuant to Section 56504 and  
26 Chapter 6.5 (commencing with Section 49060) of Part 27.

27 (m) Upon receipt of a request from an educational agency  
28 where an individual with exceptional needs has enrolled, a former  
29 educational agency shall send the pupil's special education  
30 records, or a copy thereof, within five working days, pursuant to  
31 subdivision (a) of Section 3024 of Title 5 of the California Code  
32 of Regulations.

33 (n) The department shall do all of the following:

34 (1) Have a time limit of 60 calendar days after a complaint is  
35 filed with the state education agency to investigate the complaint.

36 (2) Give the complainant the opportunity to submit additional  
37 information about the allegations in the complaint.

38 (3) Review all relevant information and make an independent  
39 determination as to whether there is a violation of a requirement

1 of this part or Part B of the Individuals with Disabilities Education  
2 Act (20 U.S.C. Sec. 1400 et seq.).

3 (4) Issue a written decision, pursuant to Section 300.661 of  
4 Title 34 of the Code of Federal Regulations.

5 (o) A prehearing mediation conference shall be scheduled  
6 within 15 calendar days of receipt by the superintendent of the  
7 request for mediation, and shall be completed within 30 calendar  
8 days after the request for mediation, unless both parties to the  
9 prehearing mediation conference agree to extend the time for  
10 completing the mediation, pursuant to Section 56500.3.

11 (p) Any request for a due process hearing arising from  
12 subdivision (a) of Section 56501 shall be filed within three years  
13 from the date the party initiating the request knew or had reason  
14 to know of facts underlying the basis for the request, pursuant to  
15 subdivision (j) of Section 56505.

16 (q) The superintendent shall ensure that, within 45 calendar  
17 days after receipt of a written due process hearing request, the  
18 hearing is immediately commenced and completed, including any  
19 mediation requested at any point during the hearing process, and  
20 a final administrative decision is rendered, pursuant to subdivision  
21 (a) of Section 56502.

22 (r) If either party to a due process hearing intends to be  
23 represented by an attorney in the due process hearing, notice of that  
24 intent shall be given to the other party at least 10 calendar days  
25 prior to the hearing, pursuant to subdivision (a) of Section 56507.

26 (s) Any party to a due process hearing shall have the right to be  
27 informed by the other parties to the hearing, at least 10 calendar  
28 days prior to the hearing, as to what those parties believe are the  
29 issues to be decided at the hearing and their proposed resolution  
30 of those issues, pursuant to paragraph (6) of subdivision (e) of  
31 Section 56505.

32 (t) Any party to a due process hearing shall have the right to  
33 receive from other parties to the hearing, at least five business days  
34 prior to the hearing, a copy of all documents, including all  
35 assessments completed and not completed by that date, and a list  
36 of all witnesses and their general area of testimony that the parties  
37 intend to present at the hearing, pursuant to paragraph (7) of  
38 subdivision (e) of Section 56505.

1 (u) An appeal of a due process hearing decision shall be made  
2 within 90 calendar days of receipt of the hearing decision, pursuant  
3 to subdivision (i) of Section 56505.

4 (v) When an individualized education program calls for a  
5 residential placement as a result of a review by an expanded  
6 individualized education program team, the individualized  
7 education program shall include a provision for a review, at least  
8 every six months, by the full individualized education program  
9 team of all of the following pursuant to paragraph (2) of  
10 subdivision (c) of Section 7572.5 of the Government Code:

11 (1) The case progress.

12 (2) The continuing need for out-of-home placement.

13 (3) The extent of compliance with the individualized education  
14 program.

15 (4) Progress toward alleviating the need for out-of-home care.

16 (w) No later than the pupil's 17th birthday, a statement shall be  
17 included in the pupil's individualized education program that the  
18 pupil has been informed of his or her rights that will transfer to the  
19 pupil upon reaching 18 years of age pursuant to Section 300.517  
20 of Title 34 of the Code of Federal Regulations, Section 56041.5,  
21 and paragraph (8) of subdivision (a) of Section 56345.

22 *SEC. 59. Section 56170 of the Education Code is amended to*  
23 *read:*

24 56170. As used in this part, "private school children with  
25 disabilities" means children with disabilities enrolled by a parent  
26 in private *preschools or private* elementary and secondary schools  
27 or facilities, *in accordance with Section 300.450 of Title 34 of the*  
28 *Code of Federal Regulations* other than individuals with  
29 exceptional needs placed by a district, special education local plan  
30 area, or county office in a nonpublic, nonsectarian school pursuant  
31 to Section 56365.

32 *SEC. 60. Section 56320 of the Education Code is amended to*  
33 *read:*

34 56320. Before any action is taken with respect to the initial  
35 placement of an individual with exceptional needs in special  
36 education instruction, an individual assessment of the pupil's  
37 educational needs shall be conducted, by qualified persons, in  
38 accordance with requirements including, but not limited to, all the  
39 following:

1 (a) Testing and assessment materials and procedures used for  
2 the purposes of assessment and placement of individuals with  
3 exceptional needs are selected and administered so as not to be  
4 racially, culturally, or sexually discriminatory.

5 (b) Tests and other assessment materials meet all the following  
6 requirements:

7 (1) Are provided and administered in the pupil's ~~primary~~  
8 *native language, as defined in Section 300.19 of Title 34 of the*  
9 *Code of Federal Regulations*, or other mode of communication,  
10 unless the assessment plan indicates reasons why this provision  
11 and administration are not clearly feasible.

12 (2) Have been validated for the specific purpose for which they  
13 are used.

14 (3) Are administered by trained personnel in conformance with  
15 the instructions provided by the producer of the tests and other  
16 assessment materials, except that individually administered tests  
17 of intellectual or emotional functioning shall be administered by  
18 a credentialed school psychologist.

19 (c) Tests and other assessment materials include those tailored  
20 to assess specific areas of educational need and not merely those  
21 which are designed to provide a single general intelligence  
22 quotient.

23 (d) Tests are selected and administered to best ensure that when  
24 a test administered to a pupil with impaired sensory, manual, or  
25 speaking skills produces test results that accurately reflect the  
26 pupil's aptitude, achievement level, or any other factors the test  
27 purports to measure and not the pupil's impaired sensory, manual,  
28 or speaking skills unless those skills are the factors the test purports  
29 to measure.

30 (e) Pursuant to subsection (f) of Section 300.532 of Title 34 of  
31 the Code of Federal Regulations, no single procedure is used as the  
32 sole criterion for determining whether a pupil is an individual with  
33 exceptional needs and for determining an appropriate educational  
34 program for the pupil.

35 (f) The pupil is assessed in all areas related to the suspected  
36 disability including, if appropriate, health and development,  
37 vision, including low vision, hearing, motor abilities, language  
38 function, general intelligence, academic performance,  
39 communicative status, self-help, orientation and mobility skills,  
40 career and vocational abilities and interests, and social and

emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136. In assessing each pupil under this article, the assessment shall be conducted in accordance with subsection (h) of Section 300.532 of Title 34 of the Code of Federal Regulations.

(g) The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136.

(h) As part of an initial assessment, if appropriate, and as part of any reassessment under Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and this part, the group that includes members of the individualized education program team, and other qualified professionals, as appropriate, shall follow the procedures specified in subsection (a) of Section 300.533 of Title 34 of the Code of Federal Regulations. The group may conduct its review without a meeting.

*SEC. 61. Section 56341.5 of the Education Code is amended to read:*

56341.5. (a) Each district, special education local plan area, or county office convening a meeting of the individualized education program team shall take steps to ensure that no less than one of the parents or guardians of the individual with exceptional needs are present at each individualized education program meeting or are afforded the opportunity to participate.

(b) Parents or guardians shall be notified of the individualized education program meeting early enough to ensure an opportunity to attend.

(c) The individualized education program meeting shall be scheduled at a mutually agreed upon time and place. The notice of the meeting under subdivision (b) shall indicate the purpose, time, and location of the meeting and who shall be in attendance. Parents or guardians ~~may~~ shall also be informed in the notice of the right, pursuant to clause (ii) of paragraph (1) of subsection (b) of Section 300.345 of Title 34 of the Code of Federal Regulations, to bring

1 other people to the meeting who have knowledge or special  
2 expertise regarding the individual with exceptional needs.

3 (d) For an individual with exceptional needs beginning at age  
4 14, or younger, if appropriate, the meeting notice shall also  
5 indicate that a purpose of the meeting will be the development of  
6 a statement of the transition services needs of the individual  
7 required by subdivision (a) of Section 56345.1, and indicate that  
8 the individual with exceptional needs is also invited to attend. In  
9 accordance with paragraph (3) of subsection (b) of Section  
10 300.345 of the Code of Federal Regulations, for an individual with  
11 exceptional needs beginning at 16 years of age or younger, if  
12 appropriate, the meeting notice shall also indicate that a purpose  
13 of the meeting is the consideration of needed transition services for  
14 the individual required by subdivision (b) of Section 56345.1 and  
15 indicate that the individual with exceptional needs is invited to  
16 attend. If the pupil does not attend the individualized education  
17 program meeting, the district, special education local plan area, or  
18 county office shall take steps to ensure that the pupil's preferences  
19 and interests are considered in accordance with paragraph (2) of  
20 subsection (b) of Section 300.344 of Title 34 of the Code of  
21 Federal Regulations.

22 (e) The meeting notice shall also identify any other local  
23 agency in accordance with paragraph (3) of subsection (b) of  
24 Section 300.344 of Title 34 of the Code of Federal Regulations.

25 (f) If no parent or guardian can attend the meeting, the district,  
26 special education local plan area, or county office shall use other  
27 methods to ensure parent or guardian participation, including  
28 individual or conference telephone calls.

29 (g) A meeting may be conducted without a parent or guardian  
30 in attendance if the district, special education local plan area, or  
31 county office is unable to convince the parent or guardian that he  
32 or she should attend. In this event, the district, special education  
33 local plan area, or county office shall maintain a record of its  
34 attempts to arrange a mutually agreed-upon time and place, as  
35 follows:

36 (1) Detailed records of telephone calls made or attempted and  
37 the results of those calls.

38 (2) Copies of correspondence sent to the parents or guardians  
39 and any responses received.





(3) Detailed records of visits made to the home or place of employment of the parent or guardian and the results of those visits.

(h) The district, special education local plan area, or county office shall take whatever action is necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardian with deafness or whose native language is other than English.

(i) The district, special education local plan area, or county office shall give the parent or guardian a copy of the individualized education program, at no cost to the parent or guardian.

*SEC. 62. Section 56343.5 of the Education Code is amended to read:*

56343.5. A meeting of an individualized education program team requested by a parent to review an individualized education program pursuant to subdivision (c) of Section 56343 shall be held within 30 days, not counting days ~~in July and August~~ *between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays*, from the date of receipt of the parent's written request. If a parent makes an oral request, the school district shall notify the parent of the need for a written request and the procedure for filing a written request.

*SEC. 63. Section 56345.1 of the Education Code is amended to read:*

56345.1. (a) Beginning at age 14 or younger, if determined by the individualized education program team pursuant to paragraph (1) of subsection (b) of Section 300.347 of Title 34 of the Code of Federal Regulations, and updated annually, a statement of the transition service needs of the pupil shall be included in the pupil's individualized education program. The statement shall be included under applicable components of the pupil's individualized education program that focuses on the pupil's courses of study, such as participation in advanced-placement courses or a vocational education program.

(b) Beginning at age 16 or younger and annually thereafter, in accordance with Section 56462 and paragraph (30) of Section 1401 of Title 20 of the United States Code, a statement of needed transition services shall be included in the pupil's individualized education program, including whenever appropriate, a statement of interagency responsibilities or any needed linkages.

(c) The term “transition services” means a coordinated set of activities for an individual with exceptional needs that does the following:

(1) Is designed within an outcome-oriented process, that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.

(2) Is based upon the individual pupil’s needs, taking into account the pupil’s preferences and interests.

(3) Includes instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(d) If a participating agency, other than the local educational agency, fails to provide the transition services described in the pupil’s individualized education program in accordance with this section, the local educational agency shall reconvene the individualized education program team to identify alternative strategies to meet the transition service needs for the pupil set out in the program.

*SEC. 64. Section 56361 of the Education Code is amended to read:*

56361. The continuum of program options shall include, but not necessarily be limited to, all of the following or any combination of the following:

(a) Regular education programs consistent with subparagraph (A) of paragraph (5) of subsection (a) of Section 1412 of Title 20 of the United States Code and implementing regulations.

(b) A resource specialist program pursuant to Section 56362.

(c) Designated instruction and services pursuant to Section 56363.

(d) Special classes pursuant to Section 56364 ~~or Section 56364.2, as applicable.~~

(e) Nonpublic, nonsectarian school services pursuant to Section 56365.

(f) State special schools pursuant to Section 56367.

1 (g) Instruction in settings other than classrooms where  
2 specially designed instruction may occur.

3 (h) Itinerant instruction in classrooms, resource rooms, and  
4 settings other than classrooms where specially designed  
5 instruction may occur to the extent required by federal law or  
6 regulation.

7 (i) Instruction using telecommunication, and instruction in the  
8 home, in hospitals, and in other institutions to the extent required  
9 by federal law or regulation.

10 *SEC. 65. Section 56364 of the Education Code is repealed.*

11 ~~56364. (a) Special classes that serve pupils with similar and~~  
12 ~~more intensive educational needs shall be available. The special~~  
13 ~~classes may enroll the pupils only when the nature or severity of~~  
14 ~~the disability of the individual with exceptional needs is such that~~  
15 ~~education in the regular classes with the use of supplementary aids~~  
16 ~~and services, including curriculum modification and behavioral~~  
17 ~~support, cannot be achieved satisfactorily. These requirements~~  
18 ~~also apply to separate schooling, or other removal of individuals~~  
19 ~~with exceptional needs from the regular educational environment.~~

20 ~~(b) In providing or arranging for the provision of activities,~~  
21 ~~each public agency shall ensure that each individual with~~  
22 ~~exceptional needs participates in those activities with nondisabled~~  
23 ~~pupils to the maximum extent appropriate to the needs of the~~  
24 ~~individual with exceptional needs, including nonacademic and~~  
25 ~~extracurricular services and activities. Special classes shall meet~~  
26 ~~standards adopted by the board.~~

27 ~~(c) This section shall not apply to any special education local~~  
28 ~~plan area that has a revised local plan approved pursuant to Section~~  
29 ~~56836.03. This section shall apply to special education local plan~~  
30 ~~areas that have not had a revised local plan approved pursuant to~~  
31 ~~that section.~~

32 ~~(d) This section shall become inoperative on July 1, 2003, and,~~  
33 ~~as of January 1, 2004, is repealed, unless a later enacted statute,~~  
34 ~~that becomes operative on or before January 1, 2004, deletes or~~  
35 ~~extends the dates on which it becomes inoperative and is repealed.~~

36 *SEC. 66. Section 56364.2 of the Education Code, is amended*  
37 *and renumbered to read.*

38 ~~56364.2.—~~

39 56364. (a) Special classes that serve pupils with similar and  
40 more intensive educational needs shall be available. The special

1 classes may enroll pupils only when the nature or severity of the  
2 disability of the individual with exceptional needs is such that  
3 education in the regular classes with the use of supplementary aids  
4 and services, including curriculum modification and behavioral  
5 support, cannot be achieved satisfactorily. These requirements  
6 also apply to separate schooling, or other removal of individuals  
7 with exceptional needs from the regular educational environment.

8 (b) In providing or arranging for the provision of activities,  
9 each public agency shall ensure that each individual with  
10 exceptional needs participates in those activities with nondisabled  
11 pupils to the maximum extent appropriate to the needs of the  
12 individual with exceptional needs, including nonacademic and  
13 extracurricular services and activities. Special classes shall meet  
14 standards adopted by the board.

15 ~~(c) This section shall only apply to special education local plan~~  
16 ~~areas that have had a revised local plan approved pursuant to~~  
17 ~~Section 56836.03.~~

18 *SEC. 67. Section 56364.5 of the Education Code is repealed.*

19 ~~56364.5. The Commission on Teacher Credentialing shall~~  
20 ~~establish standards for the issuance of credentials or permits for~~  
21 ~~persons employed in special centers pursuant to Section 56364.~~

22 *SEC. 68. Section 56366 of the Education Code is amended to*  
23 *read:*

24 56366. It is the intent of the Legislature that the role of the  
25 nonpublic, nonsectarian school or agency shall be maintained and  
26 continued as an alternative special education service available to  
27 districts, special education local plan areas, county offices, and  
28 parents.

29 (a) The master contract for nonpublic, nonsectarian school or  
30 agency services shall be developed in accordance with the  
31 following provisions:

32 (1) The master contract shall specify the general administrative  
33 and financial agreements between the nonpublic, nonsectarian  
34 school or agency and the district, special education local plan area,  
35 or county office to provide the special education and designated  
36 instruction and services, as well as transportation specified in the  
37 pupil's individualized education program. The administrative  
38 provisions of the contract also shall include procedures for  
39 recordkeeping and documentation, and the maintenance of school  
40 records by the contracting district, special education local plan

1 area, or county office to ensure that appropriate high school  
2 graduation credit is received by the pupil. The contract may allow  
3 for partial or full-time attendance at the nonpublic, nonsectarian  
4 school.

5 (2) (A) The master contract shall include an individual  
6 services agreement for each pupil placed by a district, special  
7 education local plan area, or county office that will be negotiated  
8 for the length of time for which nonpublic, nonsectarian school or  
9 agency special education and designated instruction and services  
10 are specified in the pupil's individualized education program.

11 (B) The master contract shall include a description of the  
12 process being utilized by the school district, county office of  
13 education, or special education local plan area to oversee and  
14 evaluate placements in nonpublic, nonsectarian schools. This  
15 description shall include a method for evaluating whether the pupil  
16 is making appropriate educational progress.

17 (3) Changes in educational instruction, services, or placement  
18 provided under contract may only be made on the basis of  
19 revisions to the pupil's individualized education program.

20 At any time during the term of the contract or individual services  
21 agreement, the parent; nonpublic, nonsectarian school or agency;  
22 or district, special education local plan area, or county office may  
23 request a review of the pupil's individualized education program  
24 by the individualized education program team. Changes in the  
25 administrative or financial agreements of the master contract that  
26 do not alter the individual services agreement that outlines each  
27 pupil's educational instruction, services, or placement may be  
28 made at any time during the term of the contract as mutually agreed  
29 by the nonpublic, nonsectarian school or agency and the district,  
30 special education local plan area, or county office.

31 (4) The master contract or individual services agreement may  
32 be terminated for cause. The cause shall not be the availability of  
33 a public class initiated during the period of the contract unless the  
34 parent agrees to the transfer of the pupil to a public school  
35 program. To terminate the contract either party shall give 20 days'  
36 notice.

37 (5) The nonpublic, nonsectarian school or agency shall provide  
38 all services specified in the individualized education program,  
39 unless the nonpublic, nonsectarian school or agency and the

1 district, special education local plan area, or county office agree  
2 otherwise in the contract or individualized services agreement.

3 (6) Related services provided pursuant to a nonpublic,  
4 nonsectarian agency master contract shall only be provided during  
5 the period of the child's regular or extended school year program,  
6 or both, unless otherwise specified by the pupil's individualized  
7 education program.

8 (7) The nonpublic, nonsectarian school or agency shall report  
9 attendance of pupils receiving special education and designated  
10 instruction and services as defined by Section 46307 for purposes  
11 of submitting a warrant for tuition to each contracting district,  
12 special education local plan area, or county office.

13 (b) The master contract or individual services agreement shall  
14 not include special education transportation provided through the  
15 use of services or equipment owned, leased, or contracted by a  
16 district, special education local plan area, or county office for  
17 pupils enrolled in the nonpublic, nonsectarian school or agency  
18 unless provided directly or subcontracted by that nonpublic,  
19 nonsectarian school or agency.

20 The superintendent shall withhold 20 percent of the amount  
21 apportioned to a school district or county office for costs related  
22 to the provision of nonpublic, nonsectarian school or agency  
23 placements if the superintendent finds that the local education  
24 agency is in noncompliance with this subdivision. This amount  
25 shall be withheld from the apportionments in the fiscal year  
26 following the superintendent's finding of noncompliance. The  
27 superintendent shall take other appropriate actions to prevent  
28 noncompliant practices from occurring and report to the  
29 Legislature on those actions.

30 (c) (1) If the pupil is enrolled in the nonpublic, nonsectarian  
31 school or agency with the approval of the district, special  
32 education local plan area, or county office prior to agreement to a  
33 contract or individual services agreement, the district, special  
34 education local plan area, or county office shall issue a warrant,  
35 upon submission of an attendance report and claim, for an amount  
36 equal to the number of creditable days of attendance at the per diem  
37 tuition rate agreed upon prior to the enrollment of the pupil. This  
38 provision shall be allowed for 90 days during which time the  
39 contract shall be consummated.



(2) If after 60 days the master contract or individual services agreement has not been finalized as prescribed in paragraph (1) of subdivision (a), either party may appeal to the county superintendent of schools, if the county superintendent is not participating in the local plan involved in the nonpublic, nonsectarian school or agency contract, or the superintendent, if the county superintendent is participating in the local plan involved in the contract, to negotiate the contract. Within 30 days of receipt of this appeal, the county superintendent or the superintendent, or his or her designee, shall ~~mediate the formulation of a contract~~ *render a decision*, which shall be *the final administrative decision and binding upon both parties*.

(d) No master contract for special education and related services provided by a nonpublic, nonsectarian school or agency shall be authorized under this part unless the school or agency has been certified as meeting those standards relating to the required special education and specified related services and facilities for individuals with exceptional needs. The certification shall result in the school's or agency's receiving approval to educate pupils under this part for a period no longer than four years from the date of the approval.

(e) By September 30, 1998, the procedures, methods, and regulations for the purposes of contracting for nonpublic, nonsectarian school and agency services pursuant to this section and for reimbursement pursuant to Sections 56836.16 and 56836.20 shall be developed by the superintendent in consultation with statewide organizations representing providers of special education and designated instruction and services. The regulations shall be established by rules and regulations issued by the board.

*SEC. 69. Section 56390 of the Education Code is amended to read:*

56390. Notwithstanding Section 51412 or any other provision of law, a local educational agency ~~may~~ *shall* award an individual with exceptional needs a certificate or document of educational achievement or completion if the requirements of subdivision (a), (b), or (c) are met.

(a) The individual has satisfactorily completed a prescribed alternative course of study approved by the governing board of the school district in which the individual attended school or the

1 school district with jurisdiction over the individual and identified  
2 in his or her individualized education program.

3 (b) The individual has satisfactorily met his or her  
4 individualized education program goals and objectives during  
5 high school as determined by the individualized education  
6 program team.

7 (c) The individual has satisfactorily attended high school,  
8 participated in the instruction as prescribed in his or her  
9 individualized education program, and has met the objectives of  
10 the statement of transition services.

11 *SEC. 70. Section 56391 of the Education Code is amended to*  
12 *read:*

13 56391. ~~An~~ A school district shall permit an individual with  
14 exceptional needs who meets the criteria for a certificate or  
15 document described in Section 56390 ~~shall be eligible~~ to  
16 participate in any graduation ceremony and any school activity  
17 related to graduation in which a pupil of similar age without  
18 disabilities would be eligible to participate. The right to participate  
19 in graduation ceremonies does not equate a certificate or document  
20 described in Section 56390 with a regular high school diploma.

21 *SEC. 71. Section 56500.3 of the Education Code is amended*  
22 *to read:*

23 56500.3. (a) It is the intent of the Legislature that parties to  
24 special education disputes be encouraged to seek resolution  
25 through mediation prior to filing a request for a due process  
26 hearing. It is also the intent of the Legislature that these voluntary  
27 prehearing request mediation conferences be an informal process  
28 conducted in a nonadversarial atmosphere to resolve issues  
29 relating to the identification, assessment, or educational placement  
30 of the child, or the provision of a free, appropriate public education  
31 to the child, to the satisfaction of both parties. Therefore, attorneys  
32 or other independent contractors used to provide legal advocacy  
33 services ~~shall~~ may not attend or otherwise participate in the  
34 prehearing request mediation conferences.

35 (b) ~~Nothing in this part shall~~ This part does not preclude the  
36 parent or the public ~~education~~ educational agency from being  
37 accompanied and advised by nonattorney representatives in the  
38 mediation conferences and consulting with an attorney prior to or  
39 following a mediation conference. For purposes of this section,  
40 “attorney” means an active, practicing member of the State Bar

1 of California or another independent contractor used to provide  
2 legal advocacy services, but does not mean a parent of the pupil  
3 who is also an attorney.

4 (c) Requesting or participating in a mediation conference is not  
5 a prerequisite to requesting a due process hearing.

6 (d) All requests for a mediation conference shall be filed with  
7 the superintendent. The party initiating a mediation conference by  
8 filing a written request with the superintendent shall provide the  
9 other party to the mediation with a copy of the request at the same  
10 time the request is filed with the superintendent. The mediation  
11 conference shall be conducted by a person knowledgeable in the  
12 process of reconciling differences in a nonadversarial manner and  
13 under contract with the department pursuant to Section 56504.5.  
14 The mediator shall be knowledgeable in the laws and regulations  
15 governing special education.

16 (e) The prehearing mediation conference shall be scheduled  
17 within 15 days of receipt by the superintendent of the request for  
18 mediation. The mediation conference shall be completed within  
19 30 days after receipt of the request for mediation unless both  
20 parties to the prehearing mediation conference agree to extend the  
21 time for completing the mediation.

22 (f) Based upon the mediation conference, the district  
23 superintendent, the county superintendent, or the director of the  
24 public ~~education~~ educational agency, or his or her designee, may  
25 resolve the issue or issues. However, this resolution ~~shall~~ may not  
26 conflict with state or federal law and shall be to the satisfaction of  
27 both parties. A copy of the written resolution shall be mailed to  
28 each party within 10 days following the mediation conference.

29 (g) If the mediation conference fails to resolve the issues to the  
30 satisfaction of all parties, the party who requested the mediation  
31 conference has the option of filing for a state-level hearing  
32 pursuant to Section 56505. The mediator may assist the parties in  
33 specifying any unresolved issues to be included in the hearing  
34 request.

35 (h) Any mediation conference held pursuant to this section  
36 shall be *scheduled in a timely manner and shall be held at a time*  
37 *and place reasonably convenient to the parent and pupil parties to*  
38 *the dispute in accordance with paragraph (4) of subsection (b) of*  
39 *Section 300.506 of Title 34 of the Code of Federal Regulations.*

(i) The mediation conference shall be conducted in accordance with regulations adopted by the board.

(j) Notwithstanding any procedure set forth in this chapter, a public ~~education~~ *educational* agency and a parent may, if the party initiating the mediation conference so chooses, meet informally to resolve any issue or issues to the satisfaction of both parties prior to the mediation conference.

(k) The procedures and rights contained in this section shall be included in the notice of parent rights attached to the pupil's assessment plan pursuant to Section 56321.

*SEC. 72. Section 56504.5 of the Education Code is amended to read:*

56504.5. The department shall contract with a single, nonprofit organization or entity to conduct mediation conferences and due process hearings in accordance with ~~Section~~ *Sections* 300.506 and 300.508 of Title 34 of the Code of Federal Regulations.

*SEC. 73. Section 56505 of the Education Code is amended to read:*

56505. (a) The state hearing shall be conducted in accordance with regulations adopted by the board.

(b) The hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil.

(c) The hearing shall be conducted by a person knowledgeable in the laws governing special education and administrative hearings pursuant to Section 56504.5. The hearing officer shall encourage the parties to a hearing to consider the option of mediation as an alternative to a hearing.

(d) Pursuant to subsection (a) of Section 300.514 of Title 34 of the Code of Federal Regulations, during the pendency of the hearing proceedings, including the actual state level hearing, or judicial proceeding regarding a due process hearing, the pupil shall remain in his or her present placement, except as provided in Section 300.526 of Title 34 of the Code of Federal Regulations, unless the public agency and the parent or guardian agree otherwise. A pupil applying for initial admission to a public school shall, with the consent of his or her parent or guardian, be placed in the public school program until all proceedings have been completed. As provided in subsection (c) of Section 300.514 of Title 34 of the Code of Federal Regulations, if the decision of a

1 hearing officer in a due process hearing or a state review official  
2 in an administrative appeal agrees with the pupil's parent or  
3 guardian that a change of placement is appropriate, that placement  
4 must be treated as an agreement between the state or local agency  
5 and the parent or guardian.

6 (e) Any party to the hearing held pursuant to this section shall  
7 be afforded the following rights consistent with state and federal  
8 statutes and regulations:

9 (1) The right to be accompanied and advised by counsel and by  
10 individuals with special knowledge or training relating to the  
11 problems of individuals with exceptional needs.

12 (2) The right to present evidence, written arguments, and oral  
13 arguments.

14 (3) The right to confront, cross-examine, and compel the  
15 attendance of witnesses.

16 (4) The right to a written, or, at the option of the parents or  
17 guardians, electronic verbatim record of the hearing.

18 (5) The right to written, or, at the option of the parent or  
19 guardian, electronic findings of fact and decisions. The record of  
20 the hearing and the findings of fact and decisions shall be provided  
21 at no cost to parents or guardians in accordance with paragraph (2)  
22 of subsection (c) of Section 300.509 of Title 34 of the Code of  
23 Federal Regulations. The findings and decisions shall be made  
24 available to the public after any personally identifiable  
25 information has been deleted consistent with the confidentiality  
26 requirements of subsection (c) of Section 1417 of Title 20 of the  
27 United States Code and shall also be transmitted to the Advisory  
28 Commission on Special Education pursuant to paragraph (4) of  
29 subsection (h) of Section 1415 of Title 20 of the United States  
30 Code.

31 (6) The right to be informed by the other parties to the hearing,  
32 at least 10 days prior to the hearing, as to what those parties believe  
33 are the issues to be decided at the hearing and their proposed  
34 resolution of those issues. Upon the request of a parent who is not  
35 represented by an attorney, the agency responsible for conducting  
36 hearings shall provide a mediator to assist the parent in identifying  
37 the issues and the proposed resolution of the issues.

38 (7) The right to receive from other parties to the hearing, at least  
39 five business days prior to the hearing, a copy of all documents and  
40 a list of all witnesses and their general area of testimony that the

1 parties intend to present at the hearing. Included in the material to  
2 be disclosed to all parties at least five business days prior to a  
3 hearing shall be all assessments completed by that date and  
4 recommendations based on the assessments that the parties intend  
5 to use at the hearing.

6 (8) The right, pursuant to paragraph (3) of subsection (a) of  
7 Section 300.509 of Title 34 of the Code of Federal Regulations, to  
8 prohibit the introduction of any evidence at the hearing that has not  
9 been disclosed to that party at least five business days before the  
10 hearing.

11 (f) The hearing conducted pursuant to this section shall be  
12 completed and a written, reasoned decision mailed to all parties to  
13 the hearing within 45 days from the receipt by the superintendent  
14 of the request for a hearing. Either party to the hearing may request  
15 the hearing officer to grant an extension. The extension shall be  
16 granted upon a showing of good cause. Any extension shall extend  
17 the time for rendering a final administrative decision for a period  
18 only equal to the length of the extension.

19 (g) The hearing conducted pursuant to this section shall be the  
20 final administrative determination and binding on all parties.

21 (h) In decisions relating to the placement of individuals with  
22 exceptional needs, the person conducting the state hearing shall  
23 consider cost, in addition to all other factors that are considered.

24 (i) Nothing in this chapter shall preclude a party aggrieved by  
25 the findings and decisions in a hearing under this section from  
26 exercising the right to appeal the decision to a state court of  
27 competent jurisdiction. An aggrieved party may also exercise the  
28 right to bring a civil action in a district court of the United States  
29 without regard to the amount in controversy, pursuant to Section  
30 300.512 of *Title 34* of the Code of Federal Regulations. An appeal  
31 shall be made within 90 days of receipt of the hearing decision.  
32 During the pendency of any administrative or judicial proceeding  
33 conducted pursuant to Chapter 5 (commencing with Section  
34 56500), unless the public education agency and the parents of the  
35 child agree otherwise, the child involved in the hearing shall  
36 remain in his or her present educational placement. Any action  
37 brought under this subdivision shall adhere to the provisions of  
38 subsection (b) of Section 300.512 of Title 34 of the Code of  
39 Federal Regulations.



(j) Any request for a due process hearing arising under subdivision (a) of Section 56501 shall be filed within three years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request.

*SEC. 74. Section 56506 of the Education Code is amended to read:*

56506. In addition to the due process hearing rights enumerated in subdivision (b) of 56501, the following due process rights extend to the pupil and the parent:

(a) Written notice to the parent of his or her rights in language easily understood by the general public and in the ~~primary~~ *native* language of the parent, *as defined in Section 300.19 of Title 34 of the Code of Federal Regulations* or other mode of communication used by the parent, unless to do so is clearly not feasible. The written notice of rights shall include, but not be limited to, those prescribed by Section 56341.

(b) The right to initiate a referral of a child for special education services pursuant to Section 56303.

(c) The right to obtain an independent educational assessment pursuant to subdivision (b) of Section 56329.

(d) The right to participate in the development of the individualized education program and to be informed of the availability under state and federal law of free appropriate public education and of all available alternative programs, both public and nonpublic.

(e) Written parental consent pursuant to Section 56321 shall be obtained before any assessment of the pupil is conducted unless the public education agency prevails in a due process hearing relating to the assessment. ~~Informed~~ *In accordance with subsection (c) of Section 300.505 of Title 34 of the Code of Federal Regulations, informed* parental consent need not be obtained in the case of a reassessment of the pupil if the local educational agency can demonstrate that it has taken reasonable measures to obtain consent and the pupil's parent has failed to respond.

(f) Written parental consent pursuant to Section 56321 shall be obtained before the pupil is placed in a special education program.

*SEC. 75. Section 56605 of the Education Code is amended to read:*

56605. The superintendent shall periodically *provide information or* sponsor or conduct workshops and seminars, *or*

1 *both*, for the education of local education agency personnel  
2 assigned to, and responsible for, the evaluation of local special  
3 education programs.

4 *SEC. 76. Section 56836.01 of the Education Code is amended*  
5 *to read:*

6 56836.01. Commencing with the 1998–99 fiscal year and  
7 each fiscal year thereafter, the administrator of each special  
8 education local plan area, in accordance with the local plan  
9 approved by the board, shall be responsible for the following:

10 (a) The fiscal administration of the annual budget plan pursuant  
11 ~~to subdivision (f) paragraph (1) of subdivision (b)~~ of Section  
12 56205 and annual allocation plan for multidistrict special  
13 education local plan areas pursuant to Section 56836.05 for special  
14 education programs of school districts and county superintendents  
15 of schools composing the special education local plan area.

16 (b) The allocation of state and federal funds allocated to the  
17 special education local plan area for the provision of special  
18 education and related services by those entities.

19 (c) The reporting and accounting requirements prescribed by  
20 this part.

21 *SEC. 77. Section 56836.155 of the Education Code is*  
22 *amended to read:*

23 56836.155. (a) On or before November 2, 1998, the  
24 department, in conjunction with the Office of the Legislative  
25 Analyst, shall do the following:

26 (1) Calculate an “incidence multiplier” for each special  
27 education local plan area using the definition, methodology, and  
28 data provided in the final report submitted by the American  
29 Institutes for Research pursuant to Section 67 of Chapter 854 of the  
30 Statutes of 1997.

31 (2) Submit the incidence multiplier for each special education  
32 local plan area and supporting data to the Department of Finance.

33 (b) The Department of Finance shall review the incidence  
34 multiplier for each special education local plan area and the  
35 supporting data, and report any errors to the department and the  
36 Office of the Legislative Analyst for correction.

37 (c) The Department of Finance shall approve the final  
38 incidence multiplier for each special education local plan area by  
39 November 23, 1998.

(d) For the 1998–99 fiscal year and each fiscal year thereafter to and including the 2002–03 fiscal year, the superintendent shall perform the following calculation to determine each special education local plan area’s adjusted entitlement for the incidence of disabilities:

(1) The incidence multiplier for the special education local plan area shall be multiplied by the statewide target amount per unit of average daily attendance for special education local plan areas determined pursuant to Section 56836.11 for the fiscal year in which the computation is made.

(2) The amount determined pursuant to paragraph (1) shall be added to the statewide target amount per unit of average daily attendance for special education local plan area determined pursuant to Section 56836.11 for the fiscal year in which the computation is made.

(3) Subtract the amount of funding for the special education local plan area determined pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b) of Section 56836.08, as appropriate for the fiscal year in which the computation is made, or the statewide target amount per unit of average daily attendance for special education local plan areas determined pursuant to Section 56836.11 for the fiscal year in which the computation is made, whichever is greater, from the amount determined pursuant to paragraph (2). For the purposes of this paragraph for the 2001–02 and 2002–03 fiscal years, the amount, if any, received pursuant to Section 56836.159 shall be excluded from the funding level per unit of average daily attendance for a special education local plan area. If the result is less than zero, ~~than~~ the special education local plan area ~~shall~~ *may* not receive an adjusted entitlement for the incidence of disabilities.

(4) Multiply the amount determined in paragraph (3) by either the average daily attendance reported for the special education local plan area for the fiscal year in which the computation is made, as adjusted pursuant to subdivision (a) of Section 56836.15, or the average daily attendance reported for the special education local plan area for the prior fiscal year, as adjusted pursuant to subdivision (a) of Section 56826.15, whichever is less.

(5) If there are insufficient funds appropriated in the fiscal year for which the computation is made for the purposes of this section,

1 the amount received by each special education local plan area shall  
2 be prorated.

3 (e) For the 1997–98 fiscal year, the superintendent shall  
4 perform the calculation in paragraphs (1) to (3), inclusive, of  
5 paragraph (d) only for the purposes of making the computation in  
6 paragraph (1) of subdivision (d) of Section 56836.08, but the  
7 special education local plan area shall not receive an adjusted  
8 entitlement for the incidence of disabilities pursuant to this section  
9 for the 1997–98 fiscal year.

10 (f) On or before March 1, 2003, the Office of the Legislative  
11 Analyst, in conjunction with the Department of Finance and the  
12 department, shall submit to the Legislature a new study of the  
13 incidence multiplier, with recommendations as to the necessity of  
14 continuing to adjust the funding formula contained in this chapter  
15 for the purposes of this section to the extent that funding is  
16 provided for this purpose. The Office of the Legislative Analyst  
17 may contract for this study. It is the intent of the Legislature to  
18 provide funding for this study in the Budget Act of 2002.

19 *SEC. 78. Section 56863 of the Education Code is amended to*  
20 *read:*

21 56863. The state hospitals, as part of the notification to  
22 parents of pupils of their rights pursuant to the Individuals with  
23 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), the  
24 Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.), and this  
25 part and implementing regulations, shall notify parents of the right  
26 that their child can be considered for education programs other  
27 than on state hospital grounds.

28 For the purposes of this section, the term “parent of pupil” shall  
29 mean a parent, a legal guardian, a conservator, a person acting as  
30 a parent of a child, or a surrogate parent appointed pursuant to  
31 ~~Public Law 94-142~~ *Section 300.515 of the Code of Federal*  
32 *Regulations.*

33 Information and records concerning state hospital patients in the  
34 possession of the Superintendent of Public Instruction shall be  
35 treated as confidential under Section 5328 of the Welfare and  
36 Institutions Code and the Federal Privacy Act of 1974, Public Law  
37 93-579.

38 *SEC. 79. Section 58562 of the Education Code is amended to*  
39 *read:*

58562. This chapter shall become inoperative on July 1, 2003  
2007, and, as of January 1, 2004 2008, is repealed, unless a later  
enacted statute, that becomes operative on or before January 1,  
2004 2008, deletes or extends the dates on which it becomes  
inoperative and is repealed.

SEC. 80. Section 60040 of the Education Code is amended to  
read:

60040. When adopting instructional materials for use in the  
schools, governing boards shall include only instructional  
materials which, in their determination, accurately portray the  
cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of  
roles, including professional, vocational, and executive roles.

(b) The role and contributions of American Indians, ~~American  
Negroes~~ African Americans, Mexican Americans, Asian  
Americans, European Americans, and members of other ethnic  
and cultural groups to the total development of California and the  
United States.

(c) The role and contributions of the entrepreneur and labor in  
the total development of California and the United States.

SEC. 81. Section 60119 of the Education Code is amended to  
read:

60119. (a) For the 1999–2000 fiscal year and each fiscal year  
thereafter, in order to be eligible to receive funds available for the  
purposes of this article, the governing board of a school district  
shall take the following actions:

(1) The governing board shall hold a public hearing or hearings  
at which the governing board shall encourage participation by  
parents, teachers, members of the community interested in the  
affairs of the school district, and bargaining unit leaders, and shall  
make a determination, through a resolution, as to whether each  
pupil in each school in the district has, or will have prior to the end  
of that fiscal year, sufficient textbooks or instructional materials,  
or both, in each subject that are consistent with the content and  
cycles of the curriculum framework adopted by the state board.

(2) (A) If the governing board determines that there are  
insufficient textbooks or instructional materials, or both, the  
governing board shall provide information to classroom teachers  
and to the public setting forth the reasons that each pupil does not  
have sufficient textbooks or instructional materials, or both, and

1 take any action, except an action that would require  
2 reimbursement by the Commission on State Mandates, to ensure  
3 that each pupil has sufficient textbooks or instructional materials,  
4 or both, within a two-year period from the date of the  
5 determination.

6 (B) In carrying out subparagraph (A), the governing board may  
7 use money in any of the following funds:

8 (i) Any funds available for textbooks or instructional materials,  
9 or both, from categorical programs, including any funds allocated  
10 to school districts that have been appropriated in the annual Budget  
11 Act.

12 (ii) Any funds of the school district that are in excess of the  
13 amount available for each pupil during the prior fiscal year to  
14 purchase textbooks or instructional materials, or both.

15 (iii) Any other funds available to the school district for  
16 textbooks or instructional materials, or both.

17 (b) The governing board shall provide ~~10 days~~<sup>2</sup> notice of the  
18 public hearing or hearings set forth in subdivision (a) *in a manner*  
19 *in which it customarily provides similar notices and information*  
20 *to the public.* ~~The notice shall contain the time, place, and purpose~~  
21 ~~of the hearing and shall be posted in three public places in the~~  
22 ~~school district.~~

23 (c) Except for purposes of Section 60252, governing boards of  
24 school districts that receive funds for instructional materials from  
25 any state source, are subject to the requirements of this section only  
26 in a fiscal year in which the Superintendent of Public Instruction  
27 determines that the base revenue limit for each school district will  
28 increase by at least 1 percent per unit of average daily attendance  
29 from the prior fiscal year.

30 (d) The governing board of a school district is eligible to  
31 receive funds available for the purposes of this article for the  
32 1994–95 fiscal year to the 1998–99 fiscal year, inclusive, whether  
33 or not the governing board complied with the public hearing  
34 requirement set forth in paragraph (1) of subdivision (a).

35 *SEC. 82. Section 60601 of the Education Code is amended to*  
36 *read:*

37 60601. This chapter shall remain in effect only until January  
38 1, ~~2005~~ 2009, and as of that date is repealed, unless a later enacted  
39 statute, which is enacted before January 1, ~~2005~~ 2009, deletes or  
40 extends that date.



SEC. 83. *Section 62002 of the Education Code is repealed.*

~~62002. If the Legislature does not enact legislation to continue a program listed in this part, the funding of that program shall continue for the general purposes of that program as specified in the provisions relating to the establishment and operation of the program. The funds shall be disbursed according to the identification criteria and allocation formulas for the program in effect on the date the program shall cease to be operative pursuant to this part both with regard to state-to-district and district-to-school disbursements. The funds shall be used for the intended purposes of the program, but all relevant statutes and regulations adopted thereto regarding the use of the funds shall not be operative, except as specified in Section 62002.5.~~

SEC. 84. *Section 62007 of the Education Code is repealed.*

~~62007. The State Department of Education shall review and report upon the adult education program authorized pursuant to Chapter 3 (commencing with Section 8500) of Part 6 and Chapter 10 (commencing with Section 52500) of Part 28 of the Education Code. The State Department of Education shall submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1994. The Legislative Analyst shall submit his or her review of the report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report. In conducting the review required by this section, the State Department of Education shall consider the issues listed in subdivisions (a) and (c) of Section 62006 and shall make recommendations on any appropriate revisions of the law or regulations governing the program.~~

SEC. 85. *Section 62008 of the Education Code is repealed.*

~~62008. The State Department of Education shall review and report upon the Instructional Materials Program authorized pursuant to Part 33 (commencing with Section 60000). The State Department of Education shall submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1995. The Legislative Analyst shall submit his or her review of the report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report. In conducting the review required by this section, the State Department of Education shall consider the issues listed in subdivisions (a) and (c) of Section 62006 and shall~~

1 ~~make recommendations on any appropriate revisions of the law or~~  
2 ~~regulations governing the program.~~

3 SEC. 86. Section 19050.8 of the Government Code is  
4 amended to read:

5 19050.8. The board may prescribe rules governing the  
6 temporary assignment or loan of employees within an agency or  
7 between agencies for not to exceed two years or between  
8 jurisdictions for not to exceed four years for any of the following  
9 purposes:

10 (a) To provide training to employees.

11 (b) To enable an agency to obtain expertise needed to meet a  
12 compelling program or management need.

13 (c) To facilitate the return of injured employees to work.

14 These temporary assignments or loans shall be deemed to be in  
15 accord with this part limiting employees to duties consistent with  
16 their class and may be used to meet minimum requirements for  
17 promotional as well as open examinations. An employee  
18 participating in that arrangement shall have the absolute right to  
19 return to his or her former position. Any temporary assignment or  
20 loan of an employee made for the purpose specified in subdivision  
21 (b) shall be made only with the voluntary consent of the employee.

22 In addition, out-of-class experience obtained in a manner not  
23 described in this section may be used to meet minimum  
24 requirements for promotional as well as open examinations, only  
25 if it was obtained by the employee in good faith and was properly  
26 verified under standards prescribed by board rule.

27 For purposes of this section, a temporary assignment or loan  
28 between educational agencies *or jurisdictions* shall be extended  
29 for up to two additional years upon a finding by the Superintendent  
30 of Public Instruction or the Chancellor of the California  
31 Community Colleges, and with the approval of the Executive  
32 Officer of the State Personnel Board, that the extension is  
33 necessary in order to substantially complete work on an  
34 educational improvement project. However, the temporary  
35 assignment of any local educator who is performing the duties of  
36 a nonrepresented classification while on loan to a state education  
37 agency may be extended for as many successive two year intervals  
38 as necessary by the Superintendent of Public Instruction or the  
39 Chancellor of Community Colleges with the concurrence of the  
40 local education agency *or jurisdiction*. Public and private colleges

1 and universities shall be considered educational *agencies or*  
2 jurisdictions within the meaning of this section.

3 A temporary assignment within an agency or between agencies  
4 may be extended by the board for up to two additional years in  
5 order for an employee to complete an apprenticeship program.

6 *SEC. 87. Section 54901 of the Government Code is amended*  
7 *to read:*

8 54901. (a) The statement shall be in the form required by the  
9 Board of Equalization and include a certified copy of the ordinance  
10 or resolution ordering the creation of or change in boundary of the  
11 city, district or zone thereof, a legal description of said boundaries  
12 and a map or plat indicating the boundaries.

13 (b) If the proceedings require the executive officer of a local  
14 agency formation commission to execute a certificate of  
15 completion of proceedings, the statement shall set forth the  
16 effective date of the proceeding. The statement shall also specify  
17 whether or not the affected property will be taxed for any existing  
18 bonded indebtedness or contractual obligations, and specify the  
19 change associated with each affected agency.

20 (c) For changes of organization or reorganizations which  
21 include the incorporation of, annexation to, or detachment from a  
22 city, the statement shall also include the estimated population of  
23 the affected territory and include a map or plat showing limiting  
24 addresses on streets within the affected territory.

25 (d) *For changes of organization or reorganizations that include*  
26 *the annexation to, or detachment from, a school district, the*  
27 *statement shall also include the estimated public school pupil*  
28 *population from the affected territory.*

29 *SEC. 88. Section 54902 of the Government Code is amended*  
30 *to read:*

31 54902. (a) On or before December 1 of the year immediately  
32 preceding the year in which the assessments or taxes are to be  
33 levied, the statement shall be filed with the auditor of each levying  
34 county, and the statement and the map or plat shall be filed with  
35 each assessor whose roll is used for the levy and with the State  
36 Board of Equalization in Sacramento.

37 (b) *When a statement of the creation or change of boundaries*  
38 *of a school district and a map or plat thereof is required to be filed*  
39 *with the State Board of Equalization, the authority required to file*  
40 *the statement and map or plat shall, at the same time, file a copy*

1 of the statement and map or plat with the Superintendent of Public  
 2 Instruction and the county superintendent of schools of the county  
 3 in which the school district is located.

4 SEC. 89. Section 54903.1 of the Government Code is  
 5 repealed.

6 ~~54903.1. When a statement of the creation or change of~~  
 7 ~~boundaries of a school district and a map or plat thereof is required~~  
 8 ~~to be filed with the State Board of Equalization, the authority~~  
 9 ~~required to file the statement and map or plat shall, at the same~~  
 10 ~~time, file a copy of the statement and map or plat with the~~  
 11 ~~Superintendent of Public Instruction and the county~~  
 12 ~~superintendent of schools of the county in which the school district~~  
 13 ~~is located.~~

14 SEC. 90. Section 45 of Chapter 1167 of the Statutes of 2002  
 15 is amended to read:

16 Sec. 45. The sum of three hundred thirteen million nine  
 17 hundred eight thousand dollars (\$313,908,000) is hereby  
 18 appropriated for purposes of the School Improvement Programs  
 19 by adding Item 6110-116-0001 to Section 2.00 of the Budget Act  
 20 of 2002, to read:

21  
 22 6110-116-0001—For local assistance, Department of  
 23 Education (Proposition 98), for transfer to Section A of  
 24 the State School Fund, Program 20.60.030— School Im-  
 25 provement Programs, pursuant to Chapter 6 (commenc-  
 26 ing with Section 52000) of Part 28 of the Education  
 27 Code ..... 313,908,000

28 Schedule:

29 (1) 20.60.030.010—For the purpose  
 30 of making allowances for kind-  
 31 ergarten and grades 1 to 6, in-  
 32 clusive ..... 259,727,000

33 (2) 20.60.030.020—For the purpose of  
 34 making allowances for grades 7 to  
 35 12, inclusive ..... 54,181,000

36 Provisions:

- 1 1. From the funds appropriated in Schedule (2), the State  
2 Department of Education shall allocate ~~\$34.72~~  
3 \$34.67 per unit of average daily attendance (ADA)  
4 generated by pupils enrolled in grades 7 and 8 to  
5 those school districts that received School Improve-  
6 ment Grants in the 1989–90 fiscal year at arate of  
7 \$30 per unit of ADA generated by pupils enrolled  
8 in grades 7 and 8. *The State Department of Educa-*  
9 *tion shall allocate \$123.18 per unit of ADA gener-*  
10 *ated by pupils enrolled in grades 7 and 8 to school*  
11 *districts that received School Improvement Grants*  
12 *in the 1989–90 fiscal year at a rate of \$106.93 per*  
13 *unit of ADA generated by pupils in grades 7 and 8.*
- 14 2. Of the funds appropriated in Schedule (1) of this item,  
15 \$6,963,000 is for the purpose of providing a cost-  
16 of-living adjustment at a rate of 2.00 percent.
- 17 3. Of the funds appropriated in Schedule (2) of this item,  
18 \$2,303,000 is for the purpose of providing an ad-  
19 justment for increases in average daily attendance  
20 at a rate of 3.27 percent. If growth funds are insuffi-  
21 cient, the State Department of Education may ad-  
22 just the per-pupil ~~growth~~ *funding* rates to conform  
23 to available funds. Additionally, \$1,453,000 is for  
24 the purpose of providing a cost-of-living adjust-  
25 ment at a rate of 2.00 percent.

26 *SEC. 91. Notwithstanding any other provision of law, the*  
27 *average daily attendance for the second principal apportionment*  
28 *of the 2001–02 fiscal year for the Oxnard Union High School*  
29 *District shall be calculated as 89.10 percent of the October 2001*  
30 *CBEDS enrollment of 14,922, as approved by the Department of*  
31 *Finance.*

32 *SEC. 92. No reimbursement is required by this act pursuant*  
33 *to Section 6 of Article XIII B of the California Constitution for*  
34 *those costs that may be incurred by a local agency or school*  
35 *district because provisions of this act implement a federal law or*  
36 *regulation and results in costs mandated by the federal*  
37 *government, within the meaning of Section 17556 of the*  
38 *Government Code.*

39 *However, notwithstanding Section 17610 of the Government*  
40 *Code, if the Commission on State Mandates determines that this*

1 *act contains other costs mandated by the state, reimbursement to*  
2 *local agencies and school districts for those costs shall be made*  
3 *pursuant to Part 7 (commencing with Section 17500) of Division*  
4 *4 of Title 2 of the Government Code. If the statewide cost of the*  
5 *claim for reimbursement does not exceed one million dollars*  
6 *(\$1,000,000), reimbursement shall be made from the State*  
7 *Mandates Claims Fund.*

